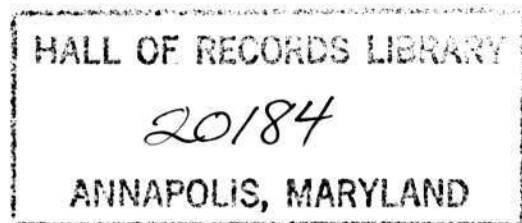


# MARYLAND HISTORICAL MAGAZINE

Spring 2010



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# Friends of the Press of the Maryland Historical Society

THE MARYLAND HISTORICAL SOCIETY (MdHS) is committed to publishing the finest new work on Maryland history. In late 2005, the Publications Committee, with the advice and support of the development staff, launched the Friends of the Press, an effort dedicated to raising money used solely for bringing new titles into print. Response has been enthusiastic and generous and we thank you.

The Friends of the Press published two new titles in 2009, Clara Ann Simmons, *Chesapeake Ferries: A Waterborne Tradition, 1632–2000* and Joseph R.L. Sterne, *Combat Correspondents: The Baltimore Sun in World War II*, already in its second printing. Both books have received outstanding reviews and Mr. Sterne has been a featured speaker at several local events. Forthcoming books include Helen Jean Burn, *Betsy Bonaparte*, which will be available late summer 2010. This is the definitive biography of Elizabeth “Betsy” Patterson Bonaparte. Born to a wealthy Baltimore family, Betsy Patterson shook local and Parisian society when she wed Jerome Bonaparte, brother of the Emperor Napoleon. Insisting on a better future for his brother, the emperor annulled the marriage, but not before it produced a son, Jerome Napoleon Bonaparte. Betsy’s quest to win royal status for her son and grandsons consumed the remainder of her seventy-four years, decades that transformed her from the glamorous “belle of Baltimore” to a shrewd and successful business woman determined to protect her family.

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# MARYLAND

## *Historical Magazine*

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*Cover: Hagerstown, Washington County, pre-1879*

Built in 1856, Washington House boasted five parlors, a spacious dining room, forty-six chambers or sleeping rooms, a pantry, and a scullery. At the time of the opening several businesses shared the first level of the grand hotel, among them a stylish saloon, S. Ogilby's dry goods store, and druggist H. P. Aughinbaugh. Although the prominent downtown landmark operated just twenty-three years, several notable guests signed the register. In 1859 the desk clerk assigned Mr. I. Smith and his sons to room six. Federal authorities later learned, after the raid on the federal arsenal at Harper's Ferry, that John Brown and his sons had occupied room six of the popular Hagerstown hotel. (Courtesy Ellen DeBiase, Lewis Mountcastle, and the Western Maryland Regional Library.)

The *Maryland Historical Magazine* welcomes submissions from authors and letters to the editor. Letters may be edited for space and clarity. All articles will be acknowledged, but only those accompanied by a stamped, self-addressed envelope will be returned. Submissions should be printed or typed manuscript. Address Editor, *Maryland Historical Magazine*, 201 West Monument Street, Baltimore, Maryland, 21201. Include name, address, and daytime telephone number. Once accepted, articles should be on CDS (MS Word or PC convertible format), or may be emailed to panderson@mdhs.org. The guidelines for contributors are available on our website at [www.mdhs.org](http://www.mdhs.org).

## Editor's Notebook

### *MdHM Online*

With this issue we begin our 105th year of publishing the best of what's new in Maryland history. The *MdHM* has gone through significant changes in the past ten and a half decades as the methods and scope of historical discovery shifted from literary epics to the "scientific" investigations of the twentieth century and the more recent swing toward engaging narrative and biography. More recently, we have kept pace with the technological components of design, printing, and distribution. Much of the production work is digital and the more recent issues of the magazine are available to members on our website. We now proudly announce that the first hundred years, 1906–2005, is now online, accessible through the MdHS homepage.

Our dedicated, enthusiastic, and tireless Publications Committee, with Chairman H. Thomas Howell at the helm, worked for several years on how best to implement the digitization plan. The Friends of the Press, and several members of the Board of Trustees, committed money for the project, and Edward C. Papenfuse, Maryland State Archives, offered to take on the scanning for a nominal fee. This has been a fruitful partnership and we look forward to working together to bring more of Maryland's history into the digital world of the twenty-first century. We thank all who supported this project. Visit [www.mdhs.org](http://www.mdhs.org) and "Click Here to Search 100 Years of the Maryland Historical Magazine Online" on the red banner at the top of the homepage. Non-members must join the Maryland Historical Society for access to volumes 101–105. Enjoy your journey into this treasure trove of Maryland history.

### *Farewell and Welcome*

Robin Donaldson Coblentz, one of our longtime proofreaders, passed away in December. Robin joined the *MdHM* staff under Bob Brugger's editorship. Her keen attention to detail and enviable knowledge of the *Chicago Manual of Style* saved us from myriad "howlers." Every editor to hold this chair through the past twenty years has felt more confident sending final pages to the printer after receiving her carefully scrutinized copies. Robin, with Chris George (our remaining Brugger-era proofreader) provided the editorial support that keeps this journal one of the best in the nation.

As we said farewell to Robin, we welcomed Matt Hetrick as associate editor. Matt is a doctoral candidate at the University of Delaware working on African American history, and an instructor at Loyola University. He has taken on the book reviews and his hard work accounts for the high number of reviews in this issue. Historians interested in reviewing books are invited to send a c.v. to Matt's attention, at [mhetrick@mdhs.org](mailto:mhetrick@mdhs.org).

## *Call for Papers*

The *Maryland Historical Magazine* is seeking article-length papers for a special issue to commemorate the sesquicentennial of the Civil War. We are particularly interested in new insights into Maryland's civilian experience during wartime, politics, and military history. Selections will be based on quality, with an eye toward our intention that the issue reflect the wide scope of current Civil War studies. Shorter articles that highlight some aspect of the war in Maryland, or newly discovered source material, such as diaries, manuscript collections, government documents, photographs, museum artifacts, and monuments, will be considered for "Research Notes & Maryland Miscellany." The deadline for submissions is September 1, 2010, for publication in the spring 2011 issue. For additional information, contact Patricia Dockman Anderson (410.685.3750 ext. 317; [panderson@mdhs.org](mailto:panderson@mdhs.org)).

# Intimate Connections: Violence, Patriarchy, and the Law in Seventeenth-Century Maryland Infanticide Cases

AMANDA LEA MIRACLE

On a late October day in 1668 Hannah Jenkins, accompanied by her stepfather, stood in a local planter's house before the assembled Kent County court, to face the charge of infanticide. As did English men and women throughout the realm, Marylanders closely observed social deference. Thus when the court identified Jenkins's stepfather as Mr. George Harris they acknowledged him as a man of rank. Her stepfather represented her and spoke at length on her behalf. When Hannah assumed the posture of a well-governed member of a strong patriarch's household, the justices dismissed the charges and ordered Hannah Jenkins cleared by proclamation.

For Jenkins, and all women investigated for infanticide, the judicial process began with an accusation followed by an investigation, then entered the various stages of trial justice. In Jenkins's case, the investigative stage stopped on the county level. Had the local judges determined that enough evidence existed to warrant a jury trial, they would have referred her case to the Provincial Court—the only court in the province with the ability to preside over felony crimes. In similar cases of infanticide, once a woman was called to stand before the Provincial Court, which made decisions over life and limb, the justices asked the accused how she chose to plead—guilty or otherwise—and whether she wished to be tried by a jury or by the justices. Almost all asked for a trial by jury. For women not as fortunate as Jenkins, a grand jury then heard testimony and determined if the evidence was sufficient to warrant a jury trial. If the grand jury found sufficient grounds, the trial progressed to a petty jury—which ultimately determined her guilt in the matter. If the defendant was judged to be guilty, the justices of the Provincial Court pronounced sentence and proved willing, on more than one occasion, to hang a woman for what they considered to be a horrendous and unnatural act.<sup>1</sup>

This article examines cases of infanticide that occurred in the English province

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of Maryland between 1634 and 1689, the year Lord Baltimore lost control of the colony. Infanticide in seventeenth-century colonial Maryland was a felony offense and as such, came under the jurisdiction of the Provincial Court. Infanticide cases were first reviewed by one of the county courts and if circumstances warranted a trial, referred onto the Provincial Court. The Provincial Court, the highest in the province, was responsible for passing judgment on men and women in which the outcome could result in execution, mutilation, or a heavy fine. Although this research draws on specific documents from the county courts of Kent, Talbot, and Somerset, the records of the highest court in the colony inform the interpretation.<sup>2</sup>

At its center, this study examines the intersection of gender, class, and legitimate authority. Although the court records give no indication that early Marylanders employed the term “class,” *per se*, the documents do reveal behavior and sentiments indicating that wealth incurred privilege. Therefore, the term “class” is used to reference one’s position on the hierarchy of wealth, respectability, and legal privileges. Moreover, class variations also reflected distinct views on personal conduct, responsibility, and deference. Where possible, insight into a person’s identity and background are provided.<sup>3</sup> Class status alone, however, was not enough to ensure someone a privileged position in society. The colony’s judicial system buttressed male authority and granted elite men primacy over all other residents. Members of the upper class willingly sacrificed specific and legally recognized uses of their authority to achieve this goal—but only to a point. Gender and class privilege operated within a shifting and convenient dynamic of patriarchal authority.

Some historians of the British empire suggest that referring to the murder of infants as “infanticide” is somewhat misleading, because contemporary conceptions of this specific kind of murder were used in reference not only to the murder of small children but to older children as well. Seventeenth-century Marylanders, though, perceived the murder of infants as a specific kind of crime—and a particularly heinous one—hence the term “infanticide” in this study refers only to the murder of newborn babies by unmarried women who gave birth alone and in secret. Justices and jury members gave elaborate descriptions of this crime. When speaking in reference to the murder of children (other than newborns), servants, and all others—except that of masters by their servants, which was called “petty treason”—the judicial documents record the charge simply as murder and do not identify the victim as a fatherless child.<sup>4</sup>

In England, attitudes toward women followed a discernible pattern. Peter Hoffer and N. E. H. Hull have found that the number of mothers accused of murdering their children in London rose dramatically after 1558 and then fell markedly during the eighteenth century. They attribute this trend to demographic pressures, lean harvest years, the threat of displacement from property holdings, and a cultural shift toward distrust of women. Additionally, when Puritans gained control of the government and judiciary in the middle of the seventeenth century, they brought

with them a stronger emphasis on legislating morality. They soon created an environment in which the government sought to curtail women's influence in society, and in which women were increasingly viewed with distrust. Regarded more frequently with contempt, women became social scapegoats for the perceived state of general moral decay in society.<sup>5</sup>

A different pattern emerged in Maryland, where complex judiciary issues motivated the planter elite—from seeking justice, to safeguarding their pocketbooks, to regulating morality—and although these were certainly important, colonial leaders seem to have been overly concerned with buttressing their own power. A host of legal and Chesapeake historians have examined how the elite responded to the number of malcontents abounding in this period. They maintained that the law functioned to stabilize a society in disarray and to stop the hemorrhaging of patriarchal authority. In *American Slavery, American Freedom*, for example, Edmund Morgan described Chesapeake society in general and Virginia specifically as a violent, tumultuous place. By 1675 and the onset of Bacon's Rebellion, many feared losing their authority and status to poor whites who might then unify.<sup>6</sup> Planters used the law to craft differences between poor whites and blacks. Blackness became legally equated with slavery through a series of laws designed to construct racial superiority and preserve elite white authority. A generation earlier, Maryland's elite white men used the judiciary to underscore their superiority based on class and gender.

The men who governed the Maryland court were keenly aware of their ability to communicate through symbolic gestures, and designed the court to intimidate the accused and emphasize the distinction between themselves and the servants, tenants, and yeomen of the colony. Not long after Jenkins's trial, Cecil Calvert, the Lord Proprietor of Maryland, sent instructions to his son, Charles Calvert, the Lieutenant General, charging him to give special attention to maintaining visible markers of distinction between officials and the general populace to solidify the authority, or lack of it, in their respective positions. By ordering the judges to wear exceptional decorations, or at least to maintain the medals of distinction they already wore, he emphasized the importance of setting the justices apart. Charles Calvert ordered "that every judge of the Provincial court must appear in court at the days appointed 'for their setting' with his ribbon and medal under penalty of a fine for every time they failed so to appear."<sup>7</sup> Ribbons and medals came to signify the power and authority of the offices these men held, and the air of deliberate intimidation in the courtroom probably heightened an accused woman's sense of weakness and vulnerability. The distinction between judges and accused served to communicate the power of the provincial hierarchy. Not only did others determine a woman's daily affairs, but now judges would determine her continued existence as well. At roughly the same time, the court sought to establish a difference between those with legitimate, recognized authority and individuals who usurped the authority of others by committing actions not in keeping with their social position, and



it is reasonable to believe that officials were well aware of the power of symbolic prosecution.

The fear of social upheaval by subordinates who failed to honor the patriarchal hierarchy was a concern long entrenched among Englishmen. The popularity of crime fiction reflected anxieties generated by the late sixteenth- and early seventeenth-century "crisis of order." Contemporaries were deeply concerned with petty treason, for example, believing that it satanically disrupted the natural order of sexual, familial, and hierarchical relationships. That sentiment continued in Maryland to a much larger, and longer, extent.

Concern for order is seen in the records of murder trials, particularly in those cases in which women resisted their masters' authority, by becoming pregnant, concealing their conditions, and then deciding the child's fate. In Maryland the causes of elite male concern were probably threefold. First, with far more men than women in the colony (thus significantly reducing the availability of potential wives), some women commanded far more agency than did their English counterparts. Secondly, the reliance on indentured servants for the labor supply created a sizeable group of landless men. And, lastly, the influx of single women who came to Maryland outside of the traditional family structure meant that yet another group of people arrived in the colony without the conventional means to control them. Combined, these fears exacerbated male anxieties.<sup>8</sup>

A woman who had given birth alone and in secret threatened the social order because she had defied her master. Under English law, a woman who gave birth alone and in secret without the aid of a midwife or another woman to help was suspected of committing murder in the event the child died. If the court found her guilty the judiciary ordered the woman to be executed, swiftly. If she had made baby clothes or had taken other preparatory steps to care for the child after its birth, she might be able to argue that although she had intended to seek help, the birth had come upon her so unexpectedly she simply was unable to call for the midwife or married women. One practical reason for failing to call a midwife was that a woman may not have known she was pregnant and delivered alone in a privy. She may have misinterpreted the signs of the coming birth as stomach pains.<sup>9</sup>

Illegitimate births also compromised the spiritual status of the woman and the community. Numerous scholars on early modern life have suggested that the birth of a legitimate child had a special meaning for society and served to legitimate the mother as well. David Cressy, for example, has described childbearing and its importance to women in *Birth, Marriage, and Death: Ritual, Relation, and the Life-Cycle in Tudor and Stuart England*. As a result of the Fall of Man in the Garden of Eden, seventeenth-century men and women believed that the gendered social order and a woman's pain in childbirth were parts of the curse. A woman felt pain and could even die in childbirth, but the birth and deliverance of a legitimate child was a way to bring a woman spiritual redemption, her salvation manifested through the help

Christ offered in childbirth and in the cessation of pain.<sup>10</sup> A bastard child brought problems to the social order, presented a financial burden to the community, and compromised the spiritual standing of the woman and the community. Infanticide trials therefore sought to address a host of community concerns.

Although this research is informed by the infanticide cases against women appearing in Maryland during the period under study, this article closely follows the experience of one woman, Hannah Jenkins, in order to explore the larger findings. Between 1634 and 1689, other cases of infanticide occurred in the colony. In 1656 Judith Catchpole was brought before the court on suspicion of having murdered her newborn child. Unlike other similar cases of the period, Catchpole was accused by an unnamed, sick male servant who died prior to the trial, of killing the child during the passage across the Atlantic. The Provincial Court dismissed her case, citing lack of available evidence. With the accuser dead, the supposed attack not even in Maryland, and Catchpole a well-behaved woman in all other respects, they elected to dismiss the matter.<sup>11</sup>

Along with Hannah Jenkins, three other women, Jane Crisp (1666), Mary Stevens (1671), and Ann Pattison (1672), were acquitted of infanticide. Jane Crisp was accused of feeding her child to the hogs in an effort to hide her illicit fornication and resulting pregnancy. Mary Stevens, whose master appeared on her jury, was accused of bearing a live child and then killing it to avoid punishment. And Ann Pattison was charged with killing a healthy child born in secret without the help of other women. All were charged with the same crime, bearing a living infant in secret and without the company of any other women, and then killing the child. Court records suggest that these were mainly women whose demeanor implied they were now well-controlled by their patriarchs—men who also generally functioned on their behalf during the trial proceedings.<sup>12</sup>

Two other inquiries into infanticide involved married women—which was unusual given that infanticide was typically a single woman's crime. However, since these women were accused of scandalous behavior in addition to the infanticide charge, the court's actions in calling them to stand for trial suggests a desire to control possibly insubordinate women. In the first incident (1660) the judiciary charged Elizabeth Harris, at the time married to Samuel Harris, with murdering her newborn child three years earlier, in 1657, when she had been single and indentured to James Langworth. In the second case (1666), Mary Marler was charged with murdering one of her two newborn twins while indentured to Hannah Lee Price, who was also charged as an accomplice. Marler fled, thereby escaping judicial censure, and was condemned as an outlaw. The court eventually cleared Price, wife of William Price, by proclamation.<sup>13</sup>

Justices convicted three women of infanticide in St. Mary's, Maryland. Elizabeth Green (1664), Joan College (1669), and Isabella Yausley (1671), all of whom stood alone, without patriarchs who could speak on their behalf. Each was charged with

giving birth secretly and then disposing of the body to cover her indiscretions. Elizabeth Green, for example, was judged guilty of murdering her child and then burning his body to destroy the evidence. Each woman appeared to be a potentially dangerous member of society and as such received court-directed discipline.

Each woman was found guilty and condemned to hang for her crime. Only Col-lege managed to obtain a stay of execution, but unfortunately, nothing else remains to indicate what happened to her after this decree. Lastly, in 1659, the Provincial Court initially investigated one woman for infanticide but dismissed the matter because she had made clothes for the child.<sup>14</sup>

Jenkins's case is significant in that it highlights the correlation between the appearance of a strong male patriarch and a woman being declared free of wrong-doing. Every unmarried woman whose father/stepfather or master appeared in her defense, literally before the court or simply by virtue of being so well connected among the gentry that his reputation alone sufficed, was acquitted. Moreover, every woman who was married by the time of the trial was also released.<sup>15</sup>

With an eye toward their pocketbooks, the men of colonial Maryland also may have believed that appearing to condemn inappropriate behavior, at least officially, made sound business sense. When, in the middle of October 1668, Jenkins stood trial for murder, the Kent County court met in a planter's home because the judiciary needed a building large enough to accommodate everyone involved. The judiciary proceeded on its fact-finding mission, regardless of her family's rank, in part to assure business and political leaders in England that lawlessness did not exist in the Maryland colony. Perhaps they strove for the appearance of a far more tightly controlled citizenry than the sparsely populated and somewhat unstable colony could realistically achieve.<sup>16</sup> Conceivably the judiciary might have chosen to ignore the charge against Jenkins or dismissed it entirely, but regardless of their rank, women accused of infanticide went to trial. Even in cases such as Jenkins's, in which the court acquitted, the fact that an elite woman stood to answer the charge at all, combined with attention to symbolic gestures, suggests that the judiciary intentionally made a statement. Like their counterparts in England, Maryland men in positions of power did not hesitate to prosecute members of the nascent elite when doing so suited their purposes.

Ever mindful of maintaining the privileges of class, the judiciary evinced sharp differences in the judicial process for dealing with men and women of varying social distinctions. Punishment or the threat thereof was to be so odious that one dared not repeat the offense. Gentlemen paid a fine and walked away, but poor men and women suffered painful punishments such as whipping, branding, or death by hanging. Punishment as a public demonstration underscored the social hierarchy and reasserted the authority of those in control, ultimately reinforcing the ruler's ability to exercise authority over his subjects. Moreover, perhaps the men of the colony believed that all who trespassed against the law should be punished,

including elite women, for they too, like lower-class men and women who failed to obey, threatened the stability of the male-dominated social structure. Daughters of gentlemen received a symbolic demonstration of the established order of rank just as lower-class women did. Once the trial began the court recorder noted which characters appeared in their various capacities. Some of the most prestigious men in the colony sat as judges in this Kent County court session: Captain John Vicaris, Mr. Richard Blunt, who had offered the use of his home, Mr. Thomas Osborne, and Mr. Morgan Williams, who officiated. Two others, Mr. Matthew Read and Mr. John Dabb, appeared as commissioners.<sup>17</sup>

The court recorder then identified the defendant, Hannah Jenkins, through her relationship to her stepfather, and stated that the county commissioners had received information that she had given birth to a living baby boy but no sign of the delivery or the child remained. That was particularly suspicious because she was unmarried. Even when Hannah was introduced to the court and the charge levied against her, the recorder identified her stepfather first.<sup>18</sup> If the men of colonial Maryland did indeed fear elite women usurping male authority, as they did with everyday people, the sequence of events is logical. A woman who assumed a submissive pose in respect to the head of her household reestablished social hierarchy and the prosecution could stop. In the Jenkins case, those in power viewed the defendant in relation to her stepfather, and she in turn explicitly acknowledged the power dynamic that dictated her subordinate status and her dependence on his goodwill.

Accepting her stepfather, George Harris, as her attorney was a clever strategic move, for it affirmed his authority over her. If the court viewed Jenkins as having misappropriated male authority through sexual expression and exercised the power of life and death over her newborn, the fact that she now acknowledged her stepfather's authority served to reinstate the paternal hierarchy. If elite men feared the misappropriation of power that accompanied women who exhibited wanton behavior, then curbing that behavior did not go far enough. The nascent elite had to address the real issue, usurpation of male privilege. Jenkins implicitly acknowledged the social hierarchy when she asked her stepfather to represent her. He spoke for her, he counseled her, and for all intents and purposes he ultimately controlled her.

The other interesting aspect of this particular case is the inclusion of a jury of matrons. The court called upon twelve women, identified by first and last name, whose marital status is not included in the trial record. Nonetheless, social mores and the experience necessary to provide the information required dictated that those women had to be, or to have been, married. Mary Vicars, Katherine Osborne, Anne Blunt, and Dorothy Williams were all wives of the judges. The other women, Rebecca Denny, Margaret Jones, Christian Ringgold, Elizabeth Winchester, Mary Southern, Elizabeth Coppage, Hannah Dabb, and Katherine Seal probably belonged to the same social class as Jenkins. In order to comment on whether the defendant had given birth, all of these women had to have experienced labor themselves. Just

before the court acknowledged Harris as Jenkins's attorney, the matrons presented their findings to the male jury, announcing that to the best of their knowledge Hannah Jenkins was "clear from child bearing and never had a child." The jury of men then absolved her by proclamation.<sup>19</sup>

The opinion offered by the jury of matrons carried the weight of experience and respectability and probably persuaded the justices of Jenkins's innocence. Yet when viewed together with the other cases of infanticide from this period, one cannot help but wonder if those sitting in judgment were not more apt to accept the counsel of matrons because it aligned with the desired outcome. Hannah Jenkins was the daughter of a well-respected man, and in cases such as these the court always released the woman. For example, when Mary Stevens's master appeared in the courtroom and sat on her jury, the court released her.<sup>20</sup> No woman in seventeenth-century Maryland whose master, husband, or father/stepfather interceded for her, implicitly or otherwise, was condemned in cases of infanticide. Those women found guilty and hanged had appeared in court alone, with no one to intercede for them. The intersection of two important factors persuaded the jury in the Jenkins case: the testimony of the jury of women and the fact that the defendant immediately placed herself under the jurisdiction of her stepfather.

This trial also shows that some women had the resources and connections to employ the symbols of authority to their advantage. Several obvious reasons immediately come to mind as to why Jenkins should have asked her stepfather to be her lawyer and represent her to the court. First, he was a gentleman and probably had a rapport with the other gentlemen on the jury and on the bench. As a gentleman and a successful entrepreneur, he also doubtless had experience with the court system.<sup>21</sup> Jenkins and her family also saved the expense of having to pay for representation. But clearly, some women knew the real benefit to having the heads of their households represent them. A cunning woman (regardless of guilt) might well have chosen to make herself appear less socially dangerous, and more in line with social norms, by inviting her male guardian to speak for her.

These cases also reveal that the court initiated investigations into the murder of infants without regard for a woman's social status. In this respect, notions of equity and legality trumped prerogatives of class. Even elite women had to stand before the court and answer for the crimes of which they were accused. This is not to say that the male judiciary completely excluded notions of elite privilege. A woman of the elite, whose father influenced the jury in her favor only by his relationship to her, benefited by her association to a well-known and respected landed man even if he did not physically stand to represent her. She could stand and represent herself on her family's merit. By comparison, an indentured woman could not similarly benefit by her master's authority unless he appeared and directly interceded on her behalf.<sup>22</sup>

One of the aims of the Maryland judiciary was to stop lawlessness while simultaneously reinforcing male authority. Those aims were not challenged by acquitting



women who appeared before the judiciary so long as the accused were dependent upon a respected elite man who took responsibility for controlling them and guaranteed that they would comply with the law in the future. The courts also intended to visibly demonstrate, through pomp and circumstance, the privilege of the colony's male leadership. Judicial proceedings show that the nascent elite tolerated no transgressions of the law, and that a patriarch's intercession affirmed that a woman was under the control of an elite man and no longer posed a threat to the social order.

## NOTES

1. *Proceedings of the County Courts of Kent, 1648–1676, Talbot, 1662–1674, and Somerset, 1665–1668*, 54:250, *Archives of Maryland Online* (hereinafter cited *ArchMd Online*). See, for example, the trial of Elizabeth Green, hanged for committing infanticide, *Proceedings of the Provincial Court, 1666–1670*, 57:599, *ArchMd Online*, last viewed January 31, 2008.
2. The specific body of records reviewed include Provincial Court records 1637–1650, *ArchMd Online*, 4; Provincial Court records 1649/50–1657, *ArchMd Online*, 10; Provincial Court records 1658–1662, *ArchMd Online*, 41; Provincial Court records 1663–1666, *ArchMd Online*, 49; Provincial Court records 1666–1670, *ArchMd Online*, 57; Provincial Court records 1670/1–1675, *ArchMd Online*, 65; Provincial Court records 1675–1677, *ArchMd Online*, 66; Provincial Court records 1677–1678, *ArchMd Online*, 67; Provincial Court records 1678–1679, *ArchMd Online*, 68; Provincial Court records 1679–1680/1, *ArchMd Online*, 69; Provincial Court records 1681–1683, *ArchMd Online*, 70; Charles County court proceedings June 1658–1662, *ArchMd Online*, 53; Charles County Court Records 1666–1674, *ArchMd Online*, 60; Kent County proceedings, 1658–1676, Talbot County proceedings, 1662–1674, and Somerset County proceedings, 1665–1668, *ArchMd Online*, 54.
3. According to the *Oxford English Dictionary*, the word “class” was in use in the seventeenth century to refer to “an order or distribution of people according to their several degrees.” The word is also defined as “A division or order of society according to status; a rank or grade of society.” When I denote someone as a member of the “elite,” corresponding official documents (either in the specific case referenced or elsewhere) mention him or her as such. For example, a title such as “Mr.” or “Esquire,” or a designation such as “Planter,” indicated elite status and sizeable land holdings. If the records failed to indicate whether a daughter or wife was a member of the elite, but her father/stepfather or husband held one of the aforementioned criteria, then she too was considered a member of the elite. This paragraph has been partly informed by the introduction to *Class Matters: Early North America and the Atlantic World*, edited by Simon Middleton and Billy G. Smith (Philadelphia: University of Pennsylvania Press, 2008), 1–15.
4. Mark Jackson, *New-Born Child Murder: Women, Illegitimacy, and the Courts in Eighteenth-Century England* (New York: St. Martin's Press, 1996), 7. See the introduction to Peter C. Hoffer and N. E. H. Hull, *Murdering Mothers: Infanticide in England and New England, 1558–1803* (New York: New York University Press, 1984).

For an example of the summons, see the account concerning Mary Marler and Hannah Price which reads as follows: “Whereas there is a trial to be had at the next Provincial Court to be held at St Mary's on the 12th day of June next ensuing on behalf of the Lord Propri-



etary against Mary Marler and Hannah Price Concerning the murder of a Bastard Child Committed by the said Mary Marler and Hannah Price," *Proceedings of the Provincial Court, 1666–1670*, ArchMd Online, 57:99.

5. Hoffer and Hull, *Murdering Mothers*, 20.

6. Edmund Morgan, *American Slavery: American Freedom: The Ordeal of Colonial Virginia* (New York: Norton, 1975), 250–70.

7. The term "Lieutenant General" is comparable to the modern word "Governor"; *Proceedings of the Council of Maryland, 1671–1681*, ArchMd Online, 15:16; *Proceedings of the Council of Maryland, 1636–1667*, ArchMd Online, 3:547.

8. Lois Green Carr and Lorena S. Walsh, "The Planter's Wife: The Experience of White Women in Seventeenth-Century Maryland," *William and Mary Quarterly*, 34 (1977): 542–71, esp. 550, 553; Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race and Power in Colonial Virginia*, (Chapel Hill: University of North Carolina Press, 2005), see for example, pages 92 and 319–66; Lois Green Carr, Russell Menard, and Lorena Walsh, *Robert Cole's World: Agriculture and Society in Early Maryland* (Chapel Hill: University of North Carolina Press, 1991), 151–61.

9. David Cressy, *Birth, Marriage, and Death: Ritual, Relation, and the Life-Cycle in Tudor and Stuart England* (New York: Oxford University Press, 1997), 41, 43. Cressy offers just such an example of a woman being caught unaware of pregnancy "in the fate of Lady Anne Ethingham in 1602, who fell ill while playing shuttlecock and was brought to bed of a child without a midwife, she never suspecting that she had been with child." He goes on to note that another woman, this one a midwife, commented regarding a woman's first pregnancy that after years of experienced midwifery she believed that not "one in twenty" had any idea of whether they were pregnant or not.

10. *Ibid.*, 16–17.

11. *Judicial and Testamentary Business of the Provincial Court, 1649/50–1657*, ArchMd Online, 10: 456.

12. See for example: Hannah Jenkins, whose father stood with her, *Proceedings of the County Courts of Kent* (1648–1676), *Talbot* (1662–1674), and *Somerset* (1665–1668), ArchMd Online, 54:250; Mary Stevens, whose master appeared in the courtroom as a juror, *Proceedings of the Provincial Court, 1670/1–1675*, ArchMd Online, 65:12, 20, 30; and, in the Pattison case, though her father did not stand to represent her, her association to her father and her consequent identity as the daughter of a gentleman probably functioned in much the same way as had the physical presence of Jenkins's stepfather and Stevens's master—with respect to class differences, the court affirmed that the woman in question was under the strong control of the head of her household and ameliorated the need to severely punish her; reference to Pattison's father as a gentleman, *Proceedings of the Provincial Court 1675–1677*, ArchMd Online, 66: 414.

13. *Proceedings of the Provincial Court, 1658–1662*, ArchMd Online, 41:430; *Proceedings of the Provincial Court, 1666–1670*, ArchMd Online, 57:74, and *Proceedings of the Provincial Court, 1663–1666*, ArchMd Online, 49:315

14. *Proceedings of the Provincial Court, 1663–1666*, ArchMd Online, 49:231; *Proceedings of the Provincial Court, 1666–1670*, ArchMd Online, 57:598; *Proceedings of the Provincial Court, 1670/1–1675*, ArchMd Online, 65:10; *Proceedings of the Provincial Court, 1658–1662*, ArchMd Online, 41:329.

15. Jenkins's stepfather appeared at her trial on her behalf, *Proceedings of the County Courts of Kent* (1648–1676), *Talbot* (1662–1674), and *Somerset* (1665–1668), ArchMd Online, 54:250; Mary Stevens's master appeared on her jury, *Proceedings of the Provincial Court, 1670/1–1675*,

*ArchMd Online*, 65:12, 19, 30; and Anne Pattison's father was well known, and well respected among the elite. All three of these men were gentlemen; all three of these women were acquitted. The two married women were also released: Elizabeth Harris (then wife of Samuel Harris), *Proceedings of the Provincial Court, 1658–1662*, *ArchMd Online*, 41: 430; and Hannah Price (then married to William Price), *Proceedings of the Provincial Court, 1666–1670*, *ArchMd Online*, 57:74; *Proceedings of the Provincial Court, 1663–1666*, *ArchMd Online*, 49:315

16. For comparison with the more stable colony of Virginia, see Jon Kukla, "Order and Chaos in Early America: Political and Social Stability in Pre-Restoration Virginia," *The American Historical Review*, 90 (1985): 275–99.

17. Susan Dwyer Amussen, "Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England," *The Journal of British Studies*, 34 (January 1995): 1–34, esp. 6; *Proceedings of the County Courts of Kent, 1648–1676*, Talbot, 1662–1674, and Somerset, 1665–1668, *ArchMd Online*, 54:250

18. *Ibid.*

19. *Ibid.* A married woman could, without reproach, have sex with her husband and become pregnant. Women who had experienced what contemporaries considered the proper sequence of marriage, sex, and childbirth had legitimate knowledge of pregnancy, labor, and women's bodies. Thus married women who had experienced childbirth could testify about the special, legitimate knowledge to which they were privy.

20. *Proceedings of the Provincial Court, 1670/1–1675*, *ArchMd Online*, 65:12, 19, 20.

21. *Proceedings of the County Courts of Kent, 1648–1676*, Talbot, 1662–1674, and Somerset, 1665–1668, *ArchMd Online*, 54:250, 256. One example of George Harris serving as a juror is seen in *St. Clements Manor Court Proceedings, 1659–1672*, *ArchMd Online*, 53: 629.

22. For the trials of Mary Stevens and Ann Pattison, see *Proceedings of the Provincial Court, 1670/1–1675*, *ArchMd Online*, 65:19, 20, 31.

# Cicero in Chestertown: The *Oratio Salutatoria* at Washington College's First Commencement, May 14, 1783

BENJAMIN G. KOHL

In the spring of 1784, the president of Washington College, the Reverend William Smith, D.D., pulled off the greatest propaganda coup of his long career as a publicist, churchman, and educator when he persuaded George Washington to attend the spring meeting of the college's Board of Visitors and Governors and to inscribe himself as a member of that board. As is well known, in the late summer of 1782, Washington had allowed the founders to name the college after him and promised the gift of fifty guineas as a token of his good feelings toward the institution. Now in retirement, on April 28–29, 1784, Washington had passed toward Chestertown on his way to the meeting of the Society of the Cincinnati being held in Philadelphia. William Smith, of course, had news that Washington would attend that meeting and composed a letter designed to have the great man grace the board with his presence on the return trip. He dispatched one of the area's most accomplished horsemen and a board member, Captain John Page, high sheriff of Kent County and late commander of the horse company of the Kent County militia, to carry the message to Philadelphia. The letter, written May 5, 1784, illustrates how Smith's remarkable powers of persuasion resulted in Washington visiting Chestertown later that month.<sup>1</sup>

The general reached Chestertown late on the afternoon of May 19, after a long ride of perhaps forty miles that began early that morning in New Castle, Delaware, and included a stop for dinner in Middletown.<sup>2</sup> As Smith reported in his *Account of Washington College*, published in Philadelphia that summer, Washington was entertained at the college that evening and joined other members of the board in attendance.

To the foregoing Account of the public Exercises in May 1783, it is only to be added that in May, 1784, the Seminary was honoured with a visit from his Excellency GEORGE WASHINGTON, Esq. the illustrious Patriot, whose Name it bears, and who took his Seat and subscribed his Name as one of the Visitors and Governor.

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William Smith, founder and first president of Washington College. (Courtesy Washington College.)

The whole List of Visitors and Governors is as follows, viz. His Excellency George Washington, Esquire, Honorable John Henry, and Samuel Chase, Esquire. *These are part of the additional Seven Visitors and Governors, whose Residence is not limited to any County.*<sup>3</sup>

After attending the performance of the play *Gustav Vasa*, given in his honor, Washington spent the night in Chestertown, arose early on the morning of the twentieth to reach Rock Hall by 8:00 A.M., took the ferry to Annapolis, and arrived back at Mount Vernon three days later.<sup>4</sup> Washington returned

to Chestertown only once, at the beginning of his presidential tour of the southern states in March 1791, but William Smith had fulfilled his greatest hope. He had enrolled Washington on the board, along with two distinguished Marylanders, the future governor, John Henry, and the future associate justice of the Supreme Court, Samuel Chase. Smith was now in a position to publish his *Account of Washington College* with a favorite Philadelphia printer. It would be a compendium of documents on the founding of the college designed to advertise its greatness and serve as a vehicle for a second round of fund-raising to augment the more than £6,500 that Smith had raised from the citizens of the Eastern Shore as required in the original charter.

For the accurate detail it provides on the chartering, endowment, board and faculty, and first commencement, Smith's *Account of Washington College* is perhaps unique among documents relating to the dozen or more colleges founded in the United States at the end of the eighteenth century. The pamphlet of fifty pages, which survives in fewer than ten copies, has been little noted in the literature of early American collegiate education, except in Horace Wemyss Smith's eulogistic account of his great-grandfather's life, in Wethered Barroll's youthful essay on Washington College in 1783, and in Fred Dumschott's survey of the college's history.<sup>5</sup> It is available in Reamex, Archive of Americana, Early American Imprints, Series I, Evans, 1639–1800, no. 18785, from a microfilm, but the pages reproduced here are from Washington College's own copy, which once belonged to Samuel Kerr, a master at the Kent County Free School and sometime instructor at the college. As Smith apparently intended to document his creation as well as singing its praises, the *Account*

contains copies of the original charter, correspondence leading to its adoption in the General Assembly, letters between Smith and Washington on naming the college, and the list of the original subscribers.

Of special interest for this article is the detailed description of the first commencement, held May 14, 1783, with texts of Charles Smith's English valedictory address and John Scott's Latin salutatory oration. These are followed by a briefer account of Washington's visit and the second commencement, with an outline of the curriculum, specimens of daily prayers, and a statement of tuition and costs.

### William Smith

The founding and first commencement of Washington College was, in some sense, the culmination of William Smith's long career as an educator, which began in New York in the early 1750s when he tutored the Martin brothers of Long Island.<sup>6</sup> This post led to Smith's publishing in 1753 the booklet, *A General Idea of the College of Mirania*, written to persuade the state assembly to provide funding for the nascent King's College in New York. In fact, this treatise achieved the status of a minor classic among works on education in revolutionary America, emphasizing, as it did, practical training of young men for a life of civic leadership and responsibility.<sup>7</sup> It became William Smith's most famous and widely read work, printed in at least three editions by 1803, and reprinted several times thereafter.<sup>8</sup>

Smith imagined Mirania as a practical institution suitable for training future American citizens. After three years of elementary education for boys and girls, the boys were divided into two streams. The majority would attend a Mechanical School for six years to train for business, trades, and commerce, with emphasis on arithmetic and skill at reading and writing English. The Latin and Greek School prepared boys for the professions during a five-year course of study. Here the emphasis was on mastery of reading, translating, and, to a lesser extent, writing Latin, with some instruction in Greek. In this respect, Smith's classical curriculum departed little from the norms for Greek and Latin education in colonial America.<sup>9</sup> But students would also gain some acquaintance with the masterworks of English literature to inform their style in writing and speaking. In college, even greater stress was placed on rhetoric, with prescribed study of the speeches of the two greatest ancient orators, Demosthenes in Greek and Cicero in Latin.<sup>10</sup> The study of speeches, however, would be integrated with poetry, rhetoric, philosophy, and English prose composition, especially the art of writing a good letter. Although, as Smith asserts, "the orator and poet must be born, not made," even students without much genius could be taught "to write elegantly, or at least correctly, in the epistolary way, on the common and most important concerns of life."<sup>11</sup> So Mirania emphasized a practical education, with the final year of college given to the study of agriculture (defined as geology and soil science) and natural science. Skill in Latin was mainly demonstrated by translation into the English tongue, but there was in Mirania, as there became at Washington

A  
 GENERAL IDEA  
 OF THE  
 COLLEGE  
 OF  
 MIRANIA;

WITH

A Sketch of the Method of teaching *Science* and  
*Religion*, in the several Classes:

AND

Some Account of its Rise, Establishment and Buildings.

Address'd more immediately to the Consideration  
 of the Trustees nominated, by the Legislature, to  
 receive Proposals, &c. relating to the Establishment  
 of a COLLEGE in the Province of *NEW-YORK*.

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*Quid Leges sine Moribus vanæ proficiunt?* Hor.  
*Nullum Animal morosius est; nullum majore Arte tractandum quam*  
*Homo. Natura sequitur melius quam ducitur.* Seneca.

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NEW-YORK:

Printed and Sold by J. PARKER and W. WEYMAN, at  
 the New Printing-Office in Beaver-Street, 1753.

[Price One Shilling and Six Pence.]



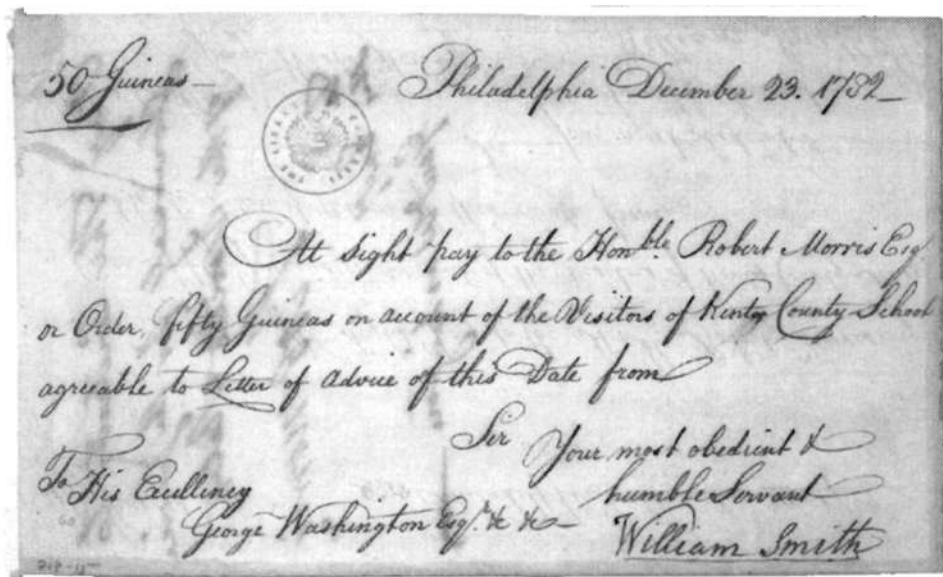
College, a place for “some Latin orations and disputations at the anniversary commencements, and on other private occasions.”<sup>12</sup>

As is well known, Benjamin Franklin soon gave William Smith the opportunity to put his ideas into effect with the promise of a position in his newly established College of Philadelphia. Smith realized that such a post typically went to a clergyman and therefore returned to England to take orders in the Anglican Church. In 1755, back in Pennsylvania, Smith became the first provost of the College of Philadelphia. He soon fell to quarreling with Franklin and the Pennsylvania Assembly over his vocal support for the frontier war against the French. Imprisoned briefly on order of the assembly for sedition with his mentor and future father-in-law, Judge William Moore, Smith returned to England late in 1758 to appeal his conviction before the Privy Council. When the conviction was overturned, he was lionized by Londoners, awarded honorary doctorates from Aberdeen and Oxford, and saw a collection of his essays and sermons published. With the coming of the Revolution, Smith attempted to steer a middle course between the two sides, arguing for continued union with Great Britain while praising the heroism of General Richard Montgomery at his death at Quebec, in a sermon delivered before the Continental Congress early in 1776. Probably always a Tory in sentiment, as Provost of the College of Philadelphia, Smith became increasingly unpopular with the radical government of the Commonwealth of Pennsylvania. When in 1779 an act of the legislature abolished the board and faculty of the College of Philadelphia, Smith suddenly found himself without a job or prospects in Pennsylvania.

Early the next year Smith resettled in Kent County on Maryland's Eastern Shore, where he had several powerful friends from among his former students. He immediately gained charge of the Chester Parish (later Emmanuel Church) in Chestertown, and established a small private school that soon joined with the Kent County Free School. In 1782, using his influence with former students John Cadwalader and William Paca, Smith persuaded the board of the Free School to present a bill to the Maryland Assembly for the incorporation of a new college, “engrafted” onto the grammar school, which, he claimed, had grown to some 140 pupils under his leadership. Thus, Washington College was born, using the same board, students, and faculty as the Kent Free School. The commander-in-chief granted the use of his name in a letter written at Newburgh, New York, on August 18, 1782.

In the meantime, the terms of the charter required Smith to raise pledges for at least £5,000 for the foundation of the college from the leading citizens of the Eastern Shore. An individual subscription, starting at £9, had to be paid in three installments by 1785. Smith raised these funds by long journeys on horseback on the Eastern Shore throughout 1781, from the head of the Elk through Queen Anne's and Talbot

*William Smith, A General Idea of the College of Mirania (New York, 1753). Smith's plan for the fictitious Mirania served as the philosophical and education model for Washington College. (Courtesy Rare Book and Manuscript Library, University of Pennsylvania Libraries.)*



George Washington pledged fifty guineas toward funding the college that carries his name. (Courtesy Washington College.)

counties, into Dorchester, Somerset, and Worcester, and perhaps as far as the two counties of Virginia. By leaving the lists for subscribers at Episcopal parishes and county court houses, entrusted to vestry wardens and local leaders, and by calling on old friends, such as Robert Goldsborough, William Paca, and John Henry for large donations, Smith secured pledges of £6,580 from about 370 subscribers.<sup>13</sup> The largest donations came from the boards of visitors of the Free Schools of Talbot and Cecil counties, whose graduates could expect to complete their education at Washington College. Large individual donors included Robert Goldsborough, Henry and William Ennalls of Dorchester County, Edward Lloyd of Talbot, Charles Troup, William Paca, and Edward Tilghman of Queen Anne's, and Daniel Charles Heath of Cecil. George Washington's famous "earnest [donation] of fifty guineas" (paid as £87/10), ranked fifth behind the subscriptions of the visitors of the Talbot and Cecil Free Schools, Robert Goldsborough's gift of £100, and John Cadwalader's generous donation of £157/6/6.

### Open Doors

By the fall of 1782, Smith was ready to open the doors of Washington College, and ten months later hold its first Commencement. As Albert Frank Gegenheimer has noted, "The First Commencement was a College of Philadelphia commencement moved to Maryland."<sup>14</sup> To staff his new college, Smith imported academic talent from Philadelphia as well as employing local teachers. Following the system already in use at Harvard and the College of Philadelphia, Smith created a group of specialized

professors as tutors.<sup>15</sup> He himself probably taught natural philosophy and rhetoric. His major professor was a second-generation Scot, Colin Ferguson (1751–1805), who became the second president of Washington College. Though born in Kent County, Ferguson had journeyed to Scotland to earn a degree at the University of Edinburgh. At the college, his work included instruction in Greek and Latin as well as mathematics, and to validate his new status the college awarded him the degree of master of arts at the First Commencement, where John Scott praised his teaching skills in the salutatory address. While teaching at Washington College he was ordained a minister in the Episcopal Church and served as rector of St. Paul's Church in Kent County from 1785 to 1799. He earned the degree of doctor of divinity in 1787 and became president of the college after William Smith's departure for Philadelphia in 1789.<sup>16</sup>

The second faculty member was Samuel Armor (1755–1833), who had received his B.A. from the College of Philadelphia in 1771 and served as Professor of Moral Philosophy and Logic at the college, expounding mainly texts from ethics and Platonic philosophy, as John Scott also noted in his salutatory speech. Armor had apparently earned the master of arts degree from the College of Philadelphia, as he was admitted to that degree *ad eundem* at the First Commencement. He, too, was soon ordained in the Episcopal Church and held the charge at St. Luke's Church in Church Hill before returning to Pennsylvania in about 1792.<sup>17</sup>

A third member of the faculty awarded a degree at the First Commencement was Samuel Kerr, master of English and Classics at the Free School, who received an honorary bachelor of arts degree. Kerr, owner of Washington College's copy of Smith's *Account*, signed on the title page and annotated at several places with corrections of the Latin of John Scott's oration.<sup>18</sup> His career thereafter is difficult to trace and he is perhaps to be identified with a Samuel Kerr, farmer, mentioned in wills of October 1808 and September 1810, and the father of a wealthy Kent County farmer and slaveholder named Samuel Kerr, who made his will on August 18, 1855.<sup>19</sup>

Other faculty members, not mentioned in Smith's *Account*, included the eminent lawyer Daniel Dulany, who later became the attorney general of Maryland, employed as professor of law with a salary of £100, and John Fitzgerald, a professor with a salary of £112/10/0. Most remarkable were two women faculty members, Elizabeth Emerson Callister Peale and her sister Sarah Callister, who taught drawing and painting at the Free School and instructed in the same subjects at the college.<sup>20</sup> A noted miniature painter, Elizabeth Emerson Callister Peale (d. ca. 1786) was the widow of Saint George Peale (1745–1778) and the sister-in-law of the eminent portrait painter Charles Willson Peale. Together with her younger sister, Miss Sarah Callister, Elizabeth worked as an instructor in drawing and painting at Washington College, each for a salary of £75 per annum. Betsy Peale and her sister Sarah were daughters of the Queen Anne's County merchant and planter, Henry Callister (1716/17–1765), who had owned large farms on the south banks of the Chester River near Crumpton. Widowed at an early age, their mother Sarah Trippe Callister managed the plantation on the Chester and

raised her five daughters.<sup>21</sup> Elizabeth Emerson Callister Peale, born in about 1753, had married Charles Willson's younger brother in 1773. After he returned from his apprenticeship in England, Charles Willson Peale taught his brothers St. George and James to draw and sketch miniatures, a craft that he perhaps also passed on to his new sister-in-law. In any case, the talented Callister sisters, employed to teach studio art at Washington College in 1783, were no doubt the first female members of a college faculty in the history of American education.

To earn the degree of bachelor of arts and thus become the first graduates of Washington College, William Smith picked five able adolescent boys, all in their late teens. Instructed in ancient languages and literature, mainly Latin but some Greek, with a smattering of French, with a deeper study of English literature and composition, the chosen five displayed their education in orations in English, French, and Latin and a syllogistic dispute in Latin and forensic debate in English, on questions of the day, following the custom of Harvard and the College of Philadelphia.<sup>22</sup> To deliver the valedictory address, Smith chose his third son, Charles Smith (1765–1836), who gave a glowing account of the future of the country, ending with verses (written by his father) on the progress of the sciences and the growing glory of America. Like several other early graduates of Washington College, Charles went on to pursue a distinguished career as a lawyer and judge.<sup>23</sup>

The brothers James and John Scott were the sons of a local physician, board member, and civic leader, John Scott (1728–1790).<sup>24</sup> Though born in Maryland, the senior Scott traveled to Edinburgh for his medical education, then settled in Chestertown where he married Elizabeth Calder, who bore him six children—two daughters and four sons.

Of these the eldest, James (b. 1766), gave the French oration at the First Commencement and married a local woman, Mary Black, by whom he had four daughters. John Scott (1768–1813), the salutatorian and author of the Latin oration reprinted and translated here, studied law after college and gained admission to the bar in 1785. President George Washington appointed him Collector of Customs at Chestertown. On May 5, 1788, he married Elisabeth Goodwin Dorsey, who bore him nine children. Eleven years later, in 1799, John Scott left Chestertown for Baltimore, where he won election to the House of Delegates in 1801 and the state senate in 1805. He was appointed Chief Judge of the Court of Oyer and Terminer for Baltimore City and County in 1808, a post he held until his death five years later.<sup>25</sup>

The other two first graduates, William Barroll and William Bordley, were scions of leading local families. After college, William Barroll (1764–1834) read law under Luther Martin and was admitted to the bar in Kent County in March 1787. He served as a delegate from Kent County to the Maryland General Assembly for four terms at the end of the eighteenth century and emerged as the leading attorney in Chestertown in the first quarter of the nineteenth century. In the course of this practice, he assembled a large law library, part of which is housed in the collections of the

Historical Society of Kent County.<sup>26</sup> William Bordley, probably the son of physician William Bordley (d. 1784) who by 1771 had settled in Chestertown to practice his profession, subscribed £18 toward the founding of the college and served on the first Board of Visitors and Governors before his early death. The son apparently inherited his father's house on High Street and remained in Chestertown as a local businessman.<sup>27</sup>

### The Salutatory

John Scott's salutatory oration began with the standard Ciceronian ploy of *captatio benivolentiae*—admission of the speaker's inadequacy to the task in order to capture the goodwill and favor of the audience. He then praised the quality of the college's education and curriculum and its fortunate founding with the coming of peace after the destructive nature of the War for Independence. Here the British, and their German mercenaries and Indian allies, come in for harsh criticism, and George Washington for hyperbolic praise as the savior of his country, with a pointed allusion to French aid in the American defeat of Lord Cornwallis's army at Yorktown two years before. A philosophic digression follows on the coming of peace out of the chaos of war, compared with the creation of the universe. More standard were the short greetings for each of the groups and persons to be honored, starting with the trustees who helped found the college, the subscribers who paid for it, and the delegates of the assembly who chartered it. Scott mentioned four members of the audience by name: Governor William Paca, whose administration protected Maryland and the college; William Smith, eulogized as a great educator and founder of two colleges; and two professors, Colin Ferguson, praised as a teacher of classics and mathematics, and Samuel Armor, of moral philosophy. He reserved concluding fulsome remarks for the graduates who waited to receive laurel wreaths (diplomas were not awarded until 1787) as symbols of their new status as alumni of their beloved alma mater.

The orations, debates, and awarding of degrees completed, William Smith charged the graduates and concluded with appropriate prayers. That evening the graduates and other students performed Edward Young's tragedy of 1753, *The Brothers*, where the college's newest stars, Charles Smith and John Scott (in Smith's phrase), "concluded their scholastic labours in this way, by shining in the characters of the *Two Brothers*."<sup>28</sup> The next day, Governor Paca led the Visitors and Governors, masters, students, and scholars up the hill to the site of the new college. There Paca laid the foundation stone of the college hall, with proper ceremony and the firing of a thirteen-gun salute. Two younger scholars concluded the ceremony with orations in French and a *Pastoral Dialogue* (celebrating peace) delivered by three students garbed in shepherds' dress.<sup>29</sup> All that was lacking was a visit from George Washington himself. For that, William Smith and his College had to wait till next year.

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## ORATIO SALUTATORIA.

QUANQUAM, frequens vester conspectus, auditores humanissimi, incredibili insolitaque lætitia animum percellit; tamen, incipientem dicere, confiteor, me non minimo metu incuti, et rubore pene virgineo suffundi: præsertim cum meo sæpius animo succurrat, nihil in hoc venerando Nistarum domicilio nisi cogitatione eximium, doctrinaque positum et elaboratum præferri oportere, nihil quod tamæ non consuetæ nostræ assurgens Academicæ, expleat spem et expectationem Insuper ornatissimi Conventus, respondeat munificentie Curatorum, peritiæ et industrie Professorum, et tamulam annuet ambitionem succedentium Alumnorum. Proinde, quanquam hoc mihi Cordi esset quantumvis, multa admodum debortabantur ab huiusmodi tentamine, verentem equidem ut satis digne pro magnitudine rerum festinam, utpote tantilli ingenii, quam minime Exercitationis dicendi expertum, et bonarum artium disciplinâ solummodo mediocriter natum.

Sed fixum animo meo et immotum, favente Deo, sedet, ne quid refugiam, quod possint aut vires meæ aut nature, quantulocunque sint dotes. Igaur vestræ Clientelæ, præsidioque torum me commendo; et cum omni fausto emine studiorum Præmiis meorum aggredior offerre.

Atqui, hæc imprimis mihi letandum fore esse video, quod, vestro *imitanti* tantum patrociniis et benevolentia tale argumentum mihi oblatum est, quod ingenio addat etiam humillimo quandam superbam erectionem et elevationem, atque veluti Apollinari furore instinctam.

Equis enim, siquidem quantulocunque percussus sit sacrarum amore Literarum, ejus intimum pectus gaudia non pertentant, cum videat Mosorum sapientiæ, virtutis & humanitatis, sub virorum auspiciis amplissimorum feliciter inceptum, et pene ad finem perductum, et scientiam ipsam, (si ita loqui liceat) hodierno die Lauream suis primis Alumnis coronari in hac regione portigentem; præsertim cum subit in mentem, quam et quales Commoditates a studiis honestiorum Disciplinarum derivantur, quam accommodata earum cultura sit naturali præcellentiæ, et Dignitati Generis humani, quam apta ad promovendam pietatem, et concordiam, opes atque commercia, libertatem, fidem, justitiam, et omnes denique bonas artes quibus Gentes terrarum floruerunt, et ad Gloriæ, Imperiique apicem pervenere.

Revera efferor gaudio, quando animo effugo, et mihi met repræsentato Invenientem, quæ, labentibus annis, ex hac Academia prodibunt, præcepis salutaribus instructam, quam perentiam dulcedine tamæ, et quanta entico certatim ardore flagrantem ad pulcherrima facinora, et omnem dignissimam laudem; tam in fovendis & promovendis moribus, in defendendis patrum consuetis, et legum maiestate & patriæ libertate, in inventendis, excolendis, et patrocinandis artibus ingenuis et utilibus, quam in belli rebus arduis gerendis.

I

Qui



*The following is John Scott's Welcoming Oration, First Washington College Commencement, from William Smith, Account of Washington College (1784), pp. 37–40, May 14, 1783. Translated by Benjamin G. Kohl, corrected on the basis of suggestions for improvements provided by Robert Brown, professor of classics, Vassar College, and by the reader for this journal.*

## Oratio Salutatoria

Although, most cultured auditors, your crowded presence overpowers my mind with wonderful and unusual happiness, still, as I begin to speak, I confess to be burdened with no small apprehension and to be suffused with the blush of a modest young maiden, especially since it very often comes to mind that in this venerable residence of the Muses it is proper that nothing shall be put forth except what is excellent in its thought and well crafted and sophisticated in its doctrine and nothing that does not promote the fame of our growing Academy. It must satisfy the hopes and expectations of this most distinguished gathering and accord with the generosity of the trustees, the learning and industry of the professors and it should stir up the eager ambition of future generations of students. Therefore, though my wish to perform was very great, still many factors dissuade me from this undertaking. For my part, I was afraid that I would not sustain the task in a manner sufficiently worthy of the greatness of the matter, as is natural in one of such small ability as myself, because I am not at all expert in the practice of rhetoric and only modestly instructed in the subjects of the liberal arts.

But it remains fixed and immovable in my mind, that, God willing, I should not shrink from anything, that either my own powers or those of nature, however small these gifts may be, are adequate to tackle. Therefore, I commend myself wholly to your protection and support, and I undertake, trusting in my good fortune, to offer these first fruits of my studies.

And yet I see that it is proper that I should be especially happy in this respect, that through your supporting patronage and good will, a topic has been offered to me such as adds to my very meager talent a certain proud support and elevation—and just as if I were inspired by the spirit of Apollo.

Is there anyone possessing even a little love of Sacred Literature, whose innermost feelings are not stirred with joy, when he views this Museum of wisdom, virtue and the humanities, established under the happy auspices of the most eminent men, and now almost brought to its conclusion, and Knowledge herself, (if it is permitted to speak thus), presenting today the laurel crown to its first alumni in this region. This is especially so when one considers the great and numerous benefits that derive from the study of the more honorable disciplines; and how well suited their cultivation

is for the natural achievement and dignity of the human race, and how appropriate their cultivation is for promoting piety, and concord, prosperity and commerce, liberty, faith, justice, and, in short, all those liberal arts through which the nations of the earth have flourished and attained the pinnacle of glory and empire.

In fact, I am transported with joy, when I form in my mind and represent to myself the young people, who, as the years roll by, will go forth from this Academy, instructed in the most beneficial precepts. How excited they will be by the sweetness of fame, and made passionate by a divinely inspired ardor to undertake the most beautiful endeavors, and attain all worthwhile praise; this they will do in fostering and advancing good manners, in defending the opinions of their fathers, the majesty of the law and the freedom of the fatherland, and in studying, cultivating and promoting the noble and useful arts as well as in undertaking the arduous practice of war.

Therefore, what plaudits, what commendations are due to you, the Trustees, the parents of the Humanities and the champions of virtue and literature. Surely no future age will ever be so ungrateful, no posterity so perverse that it would fail to sing your praises, that it would not admire your industry, esteem your generosity and revere your wisdom. To be sure, all work of human genius and endeavor will eventually pass away and come to nothing. Even the Sun which lights up everything with its shining rays and nature herself will grow old. But the memory of this your achievement and of your great deeds will extend beyond the narrow confines of time, and will flourish in eternal youth. And since the return of peace is very favorable to the study of the liberal arts and sciences of every kind, I beg your indulgence, most excellent Trustees, and congratulate you on this most auspicious event and all American citizens who deserve well of their fatherland and indeed the human race wherever it is scattered.

Very recently you yourselves saw your fields laid waste (and therefore I will touch only briefly on this matter), your towns destroyed and your villages burned by the British army. They even hired German mercenaries who filled all places with corpses, grief and mourning. Also the Indians, running amok far and wide, were stirred up and unleashed from the hidden dens in the forests to wreak widespread devastation on your frontiers. Thirsting for blood and massacre, they snatched children from their parents' arms, they ravished chaste virgins, and in their mad fury, they indiscriminately cut down the young and the old, women and children.

Even now I tremble quite violently when I see in my mind those savages dashing suddenly forth from their hidden lairs, like rapacious wolves, drenched in blood wildly waving their lethal weapons and uttering their demonic screams.

Not without great sadness, you have seen fields left uncultivated by the farmers who were driven away, commerce neglected, and the useful and higher arts languish, and even the churches of our most Holy God deserted, and the Presiding Genius of America and of Freedom in mourning in his wooded bowers.

But now Peace and Religion return, and pre-eminently that most sacred liberty

that you have often longed for. Now the arts and sciences that instruct all humanity are renewed and thrive. And now at last genial commerce returns, and with it, prosperity, industry and all those good things that can bring the greatest happiness to the human race. It is no wonder, therefore, if all the most worthy citizens, even to the most remote parts of America, far and wide, are sincerely and unrestrainedly elated with this event.

By Hercules, it seems to me that nature herself as she blossoms into spring, comes back to life more beautiful in her season, and throughout all her kingdoms blesses this our most blessed region. It is just as when bad weather comes, and men, beasts and birds grow sluggish from fear on account of the approaching storm—if the Sun happens to shine, gleaming and beautiful in the sky, then indeed order and beauty reigns, herds grow strong again, birds sing in chorus, and man rejoices with a thankful mind.

Or rather, it is just as, at the beginning of the world, when the elements of things were in conflict and piled together in the same place, beset by gloomy darkness and the endless deep, the Almighty Father, made unformed matter pregnant with the Holy Spirit, and imposed order on the primordial chaos, ordered the heavenly light to shine forth, and the Sun and Stars to sparkle, rivers and seas to flow, men to be created. Then, heaven and earth resounded with the thankful acclamations of men and Angels and of nature exulting in her plenitude of beauty.

With what Praises, therefore, shall we honor you, who have suffered wounds and shed blood, undergoing great dangers for the fatherland, and have serving so well this Republic and the whole world: and you WASHINGTON the most divine and illustrious of all Generals, the leader of all Peoples and of all Ages? You fought with a Britain that was powerful in strength, rich in resources, and proud in the long-standing glory of its arms, when it was no longer war against a single nation which it was threatening, but slavery and chains for the whole world. Attacking with the very timely arms of [King] Louis [XVI of France] and our Allies, summoning unbelievable courage, and crowned with success beyond all human expectation, through unrelenting pressure and assault you smashed that British might into such pieces that the peace which Britain was accustomed to grant and concede to Europe when it begged, she [Britain] herself now begged for as a humble suppliant. But although your strength of mind exceeds that of others, still you share it with the general public. However, a gentle character that is exclusively your own is so implanted in you, that in you, as in the very Godhead, Clemency, that principal and divine virtue of a General, which adorns and excels all the other virtues. Concerning your famous good will toward this Seminary of Learning we have abundant proof: you have proffered conspicuous evidence of your generosity in founding and sustaining [the College], you have taken it under your protection, and you have permitted it to be hallowed and adorned with your August Name.

Therefore, most Illustrious General, now that our country has been created un-

der your sacred auspices the seat of every human excellence and the most beautiful of things, henceforth wheresoever the American flag will be unfurled, on land and by sea, and indeed where the Sun illumines the habitable lands, you will be hailed as the patron of Liberty, of Justice, of Laws, of Truth and Knowledge, the Father who saved the Fatherland, the Genius of America, and the benefactor of the whole human race.

Most honored citizens, and all others, who subscribed your names for the founding and endowing of this College, while life remains, and we breathe the breath of heaven, we will never tire of remembering you. But it is surely not in our power to give any thanks that would be worthy and adequate of your great generosity. But a right thinking mind and a most benign God will repay you in great abundance.

To you, wise and venerable Fathers, the glories of wisdom and splendid ornaments of learning, who govern our Republic with your excellent customs, and most prudent counsel, and most beneficial laws—to you, I say, we send you our greetings, for so generously giving us the power to found the College, through your charter, and to dedicate this day to the Muses and the joyous celebration.

You, most distinguished PACA, our mind also takes great pleasure in greeting you, the present guardian of our affairs, who, with all the votes of the people and of the Senators, was elected to the highest honor of the State [of Maryland], You so devote yourself to the common welfare and strive for it so resolutely, that you safeguard the whole body politic of the State with great prudence, wisdom and justice.

But you most venerable president of the Trustees, Mister SMITH, whom *all the Muses* love, and *your Apollo*, from the very innermost sanctuary of the most holy temple of Fame, now crowns with the immortal laurel, and takes pleasure in enrolling you in the holy heavenly chorus, with what river of oratory, with what Abundance of words, can I celebrate you? Surely a most beneficent divinity lavished upon you a voice destined to make large, novel and unheard of pronouncements. There is no one, however envious and ungrateful, who does not readily acknowledge your most outstanding and wonderful deeds, first in Pennsylvania, now in Maryland. But this Temple of the Muses, this monument of your indefatigable industry, of your humanity, and of your love of country, will endure through all the ages.

Finally, Professors, it is fitting for you to be greeted by us. But how we can ever repay you with proper thanks for the great merits shown toward us for the value and distinction of those things that we have learned from you, for the immense labor which you have endured on our behalf for a very long time?

And, Mister *Ferguson*, it is surely proper to greet you with thanks for your skill in Greek and Latin Literature (*Litterae humaniores*), for your singular Diligence and felicitous perspicacity in explaining the many obscurities of Mathematics and in investigating the innermost secrets and sublimities of nature.

We should also greet you, Mister *Armor*, a friend of the gentler Muses and the human race, for bringing wisdom from Socratic sources, and handing down to us



*A View of Chestertown from White House Farm, 1794. Chestertown and the original college building are pictured on the hill. (Courtesy Washington College.)*

the most wholesome precepts of moral rectitude and living well happily; what calms the human existence, and whatever truth the honeyed eloquence of Plato spoke to the eager and high-minded youth of Greece in the shady Wood of his Academy.

And at last, I wish to greet you, the first alumni of this Academy and my most dear Fellow Students, the budding shoots of Youth. We have finally come to the end of your labors, after roaming through all the winding paths of literature. At last the long awaited and hoped-for day is at hand, which we will forever hold in honor as the day, which covers our brows with the laurel wreath.

Now I beg and entreat you, whatever be your future path, whatever your lot in life, wherever scattered upon the earth, that you should always keep in mind and regard with reverence this your alma mater, observe her Teachings and reproduce the sanctity of her teachings in your conduct.

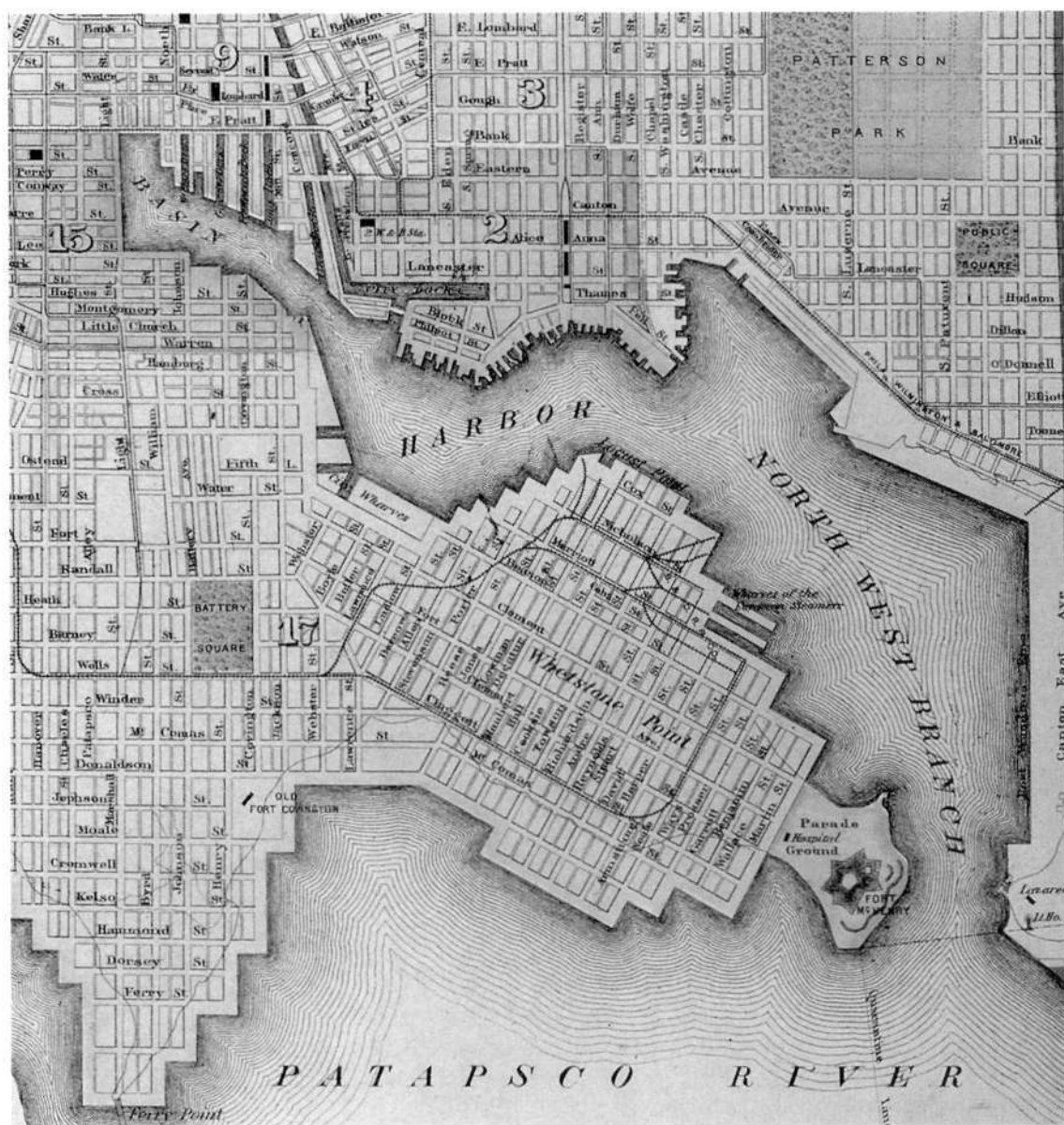
## NOTES

1. *The Papers of George Washington, Confederation Series*, ed. W. W. Abbot (Charlottesville: University Press of Virginia, 1991–1997), 1:371–72.
2. *Ibid.*, “Account of Expenditures,” 1:403.
3. William Smith, *An Account of Washington College, in the State of Maryland. Published by Order of the Visitors and Governors of the Said College, for the Information of Its Friends* (Philadelphia, 1784), 40, 44. A digitized version of Kerr’s copy is available online at: <http://revcollege.washcoll.edu/firstcollege/anaccount.html>.
4. *Papers of George Washington, Confederation Series*, 1:403.
5. Horace Wemyss Smith, *Life and Correspondence of the Rev. William Smith, D.D.* (Philadelphia, 1880), 2: 53–90; L. Wethered Barroll, “Washington College, 1783,” *Maryland Historical Magazine*, 6 (1911): 164–79; Fred W. Dumschott, *Washington College* (Chestertown, Md.: Washington College, 1980), 4–10.
6. Among several studies of Smith’s life, three stand out: Albert Frank Gegenheimer, *William Smith: Educator and Clergyman, 1727–1803* (Philadelphia: University of Pennsylvania Press, 1943), on his writings and career; Thomas F. Jones, *A Pair of Lawn Sleeves: A Biography of William Smith (1727–1803)*, (Philadelphia: Chilton Book Company, 1972), a rather unsympathetic account of his quest for status as educator and politician; and Charlotte Goldsborough Fletcher, *Cato’s Mirania: A Life of Provost Smith* (Lanham, Md.: University Press of America, 2002), an intellectual biography. A recent summary is Robert Lawson-Peebles, “Smith, William (1727–1803),” *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), 51:366–67.
7. Lawrence A. Cremin, *American Education: The Colonial Experience, 1607–1783* (New York: Harper & Row, 1970), 378–84, 462–64, Gegenheimer, *William Smith*, 14–26, and Fletcher, *Cato’s Mirania*, 21–23.
8. In addition to its initial publication in pamphlet form (1753; reprint New York: Johnson Reprint, 1969), the work was printed in abridged form with postscript in the second edition of his *Discourses on Public Occasions in America* (London, 1762), Appendix, 39–106, as well as posthumously in *The Works of William Smith, D.D., Late Provost of the College and Academy of Philadelphia* (Philadelphia, 1803). I cite here the reprint from *Works* (1803) in Fletcher, *Cato’s Mirania*, 123–61.
9. Robert Middlekauff, *Ancients and Axioms: Secondary Education in Eighteenth-Century New England* (New Haven: Yale University Press, 1963), chapter 5, “The Curriculum: Latin, Greek, Rhetoric, and Logic,” 75–91.
10. Fletcher, *Cato’s Mirania*, 135.
11. *Ibid.*, 138.
12. *Ibid.*, 148.
13. Based on the list from October 1782 given in Smith, *Account of Washington College*, 17–21, reprinted in Horace Wemyss Smith, *Life and Correspondence*, 2:78–82, and L. Wethered Barroll, “Washington College, 1783,” 164–79, which provides a final list of donors from 1785, 168–73. Surprisingly, perhaps, almost all donors (except for a few who had died in the interval) fulfilled their pledges.
14. *William Smith*, 83.
15. Samuel Eliot Morison, *Three Centuries of Harvard, 1636–1936* (Cambridge: Harvard University Press, 1936), 90. At Harvard by the 1760s, a system of four specialized tutors was in place: one gave instruction in Latin, another Greek, a third, Logic, Metaphysics, and Ethics,



and a fourth, Natural Philosophy, Mathematics, and Astronomy. All four taught Rhetoric, Elocution and English composition.

16. [Ernest A. Howard], *Honorary Degrees Conferred by Washington College, 1785–1970* (Chestertown, Md., 1971), 61.
17. Smith, *Account of Washington College*, 29, and Horace Wemyss Smith, *Life and Correspondence*, 1:469.
18. Smith, *Account of Washington College*, 3, 37, 39.
19. Christos Christou Jr. and John Anthony Barnhouser, *Abstracts of Kent County, Maryland Wills, Vol. 1, 1777–1816* (Westminster, Md.: Willow Bend Books, 2000), 218, 252, and Christos Christou Jr. and John Anthony Barnhouser, *Abstracts of Kent County, Maryland Wills, Vol. 2, 1816–1867* (Westminster, Md.: Willow Bend Books, 1996), 254.
20. Barroll, “Washington College, 1783,” 176–77.
21. See Oswald Tilghman, *A History of Talbot County* (Easton, Md, 1915), 1: 83–103.
22. Samuel Eliot Morison, *Three Centuries of Harvard*, 123–31, and Smith, “An Account of the College and Academy of Philadelphia,” *Discourses* (2d. ed., 1762), Appendix, 107–15.
23. Biography of Charles Smith in Washington College’s Revolutionary College Project: [http://revcollege.washcoll.edu/alumni/alumnibios.html#Charles\\_Smith,\\_1783](http://revcollege.washcoll.edu/alumni/alumnibios.html#Charles_Smith,_1783).
24. Edward C. Papenfuse, et al., *Biographical Directory of the Maryland Legislature, 1639–1789* (Baltimore: Johns Hopkins University Press, 1975–1985), 2:718–19.
25. On the Scott family, see Historical Society of Kent County, Scott Family Vertical Files, and Michael Owen Bourne, *Historic Houses of Kent County: An Architectural History, 1642–1860*, ed. Eugene Hall Johnstone (Chestertown, Md.: Historical Society of Kent County, 1998), 113, 117, 136, 332, and 450.
26. Hopewell Henry Barroll, *Barroll in Great Britain and America, ca. 1554–1910* (Baltimore, 1910), 74–77, 84–86, and Bourne, *Historic Houses*, 136–37, 267–68.
27. See Bourne, *Historic Houses*, 136, 230–31.
28. Smith, *Account of Washington College*, 29.
29. *Ibid.*, 29–30.



O. W. Gray & Son, Gray's New Map of Baltimore, 1876. On November 11, 1879, George Trust shot and killed twenty-eight-year-old William Anthony Robinson, in front of his family, on Light Street in Baltimore City. (Maryland Historical Society.)

# Anatomy of a South Baltimore Murder

TRACY MATTHEW MELTON

Early on the afternoon of November 11, 1879, William Anthony Robinson, a twenty-eight-year-old African American man, walked with his mother and stepfather down Light Street in South Baltimore. That morning the family had driven a wagon into the city from their home near Waterbury Station in Anne Arundel County to do some shopping at Centre Market (Marsh Market). They left the wagon at a yard on Light Street and walked up to the market where they ate breakfast and shopped for a time.

A white man approached as they were returning to their wagon for the trip home. Robinson and his stepfather Daniel Queen were walking side by side, with his mother Sarah Jane a little behind. The white man put his hand on Robinson's shoulder. "What are you," he demanded, "Democrat or Republican?" When Robinson tried to move past his interrogator, the man pulled out a large, nickel-plated, .38-caliber revolver and fired one shot point-blank into Robinson's forehead. The heavy bullet entered the skull just above his right eye and bored through the brain before lodging against the back of the skull. Robinson fell to the ground, and gasped a few final breaths. His mother watched him die there on the sidewalk on Light Street.

The shooter slipped the pistol back into his pocket and walked quickly down Hamburg, the nearest cross street. A large number of people were on the street and several of them witnessed the entire incident. A conductor on a passing streetcar jumped off and ran up to Robinson. Another man saw the shooter and followed him briefly before the armed man warned him away. Two police officers who happened to be nearby immediately went after the shooter and caught up with him a short distance away. They took him into custody and confiscated his revolver. The arrested man was George Trust, a familiar figure in the Federal Hill neighborhood.<sup>1</sup>

At first glance, this deadly encounter appears to have been an unfortunate personal tragedy, shattering to Robinson's family but of little interest to those beyond it. Nothing was at stake. The killer and his victim had no previous relationship. The individuals involved lived modestly and held no especially prominent places in their communities. Robinson was the son of Thomas and Sarah Jane Robinson, farm laborers near Waterbury, in the old tobacco-planting region near the head of the

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Severn River. Their neighborhood was home to a large African American community where most members worked as small farmers, farm laborers, or domestic servants. Sarah Jane later married Daniel Queen, a farmer. The Robinsons and Queens were well-established families but contemporary racial attitudes in Maryland placed severe limits on their opportunities to advance themselves economically, politically, or socially. Trust, formerly a Southern District police officer, worked as a night-shift baker at the Baltimore City Jail. From a later perspective the murder might seem an all-too-common urban tragedy, unimportant to all but those involved, but a deeper exploration of the encounter and its aftermath yields a look into the complexities of politics and race relations in South Baltimore in the decades following the Civil War.

## **Background**

South Baltimore comprised the sprawling jut of land that split the Patapsco River into the Northwest and Middle Branches and included the wharves along Light Street and the south side of the Basin under Federal Hill. The neighborhood ran directly south, sliced neatly by Light, its main street, to an abrupt termination at Ferry Point. Whetstone Point, later called Locust Point after the Baltimore & Ohio Railroad developed extensive rail yards on that bump of waterfront on the north side of Whetstone, angled southeast from the main arm of South Baltimore. Large numbers of immigrants lived there, many from Ireland, more from the German states. Their grown children headed numerous households. They shared the cramped streets with native white Marylanders, who frequently had extensive family connections in nearby Anne Arundel County and along the Chesapeake Bay. They worked predominantly in manufacturing and shipbuilding trades or on the docks lining the Basin and Northwest Branch from Light Street to Locust Point. Many worked the bay as watermen. During the Civil War, the sympathies of the neighborhood's white residents had largely been with the South.

South Baltimore also held the largest concentration of African Americans in the city. They resided close to their white neighbors but remained segregated from them. Most were in the neighborhoods around the B&O's Camden Station and down the railroad's tracks toward Spring Gardens on the Middle Branch. Census-takers recorded the segregation in the South Baltimore wards. In 1870, blacks headed more than a quarter of households in the Fifteenth Ward and more than a fifth in the Sixteenth. Only the Fifth Ward in East Baltimore had more households headed by African Americans, and only a few wards had comparable percentages. Most of the black residents of the Eighteenth Ward lived on the eastern end, on streets running into the African American neighborhoods of the Fifteenth and Sixteenth. By contrast, the Seventeenth Ward in South Baltimore was one of the whitest in the city, fewer than 3 percent of its households having an African American man or woman listed as the head.<sup>2</sup>

The black neighborhoods in South Baltimore formed a community within a community. Many of the men worked on the docks and in the shipyards as common laborers or draymen and as porters, sailors, and boat hands. Some worked in the caulking trade, where their influence brought conflict with white gangs who wanted to drive them out of the yards. By far the largest number of blacks worked in the sprawling brickyards, notoriously dirty and difficult, along the Washington Road. The standard of living in these southwestern neighborhoods was generally wretched and impoverished, and attitudes toward it earned it the designation "Pigtown." The land across most of these streets was low and marshy, and disease was endemic. Families shared small houses, with more than a dozen people living in many of them. Incomes were low and employment unpredictable. Modest accumulations of wealth were rare, education remained limited.<sup>3</sup>

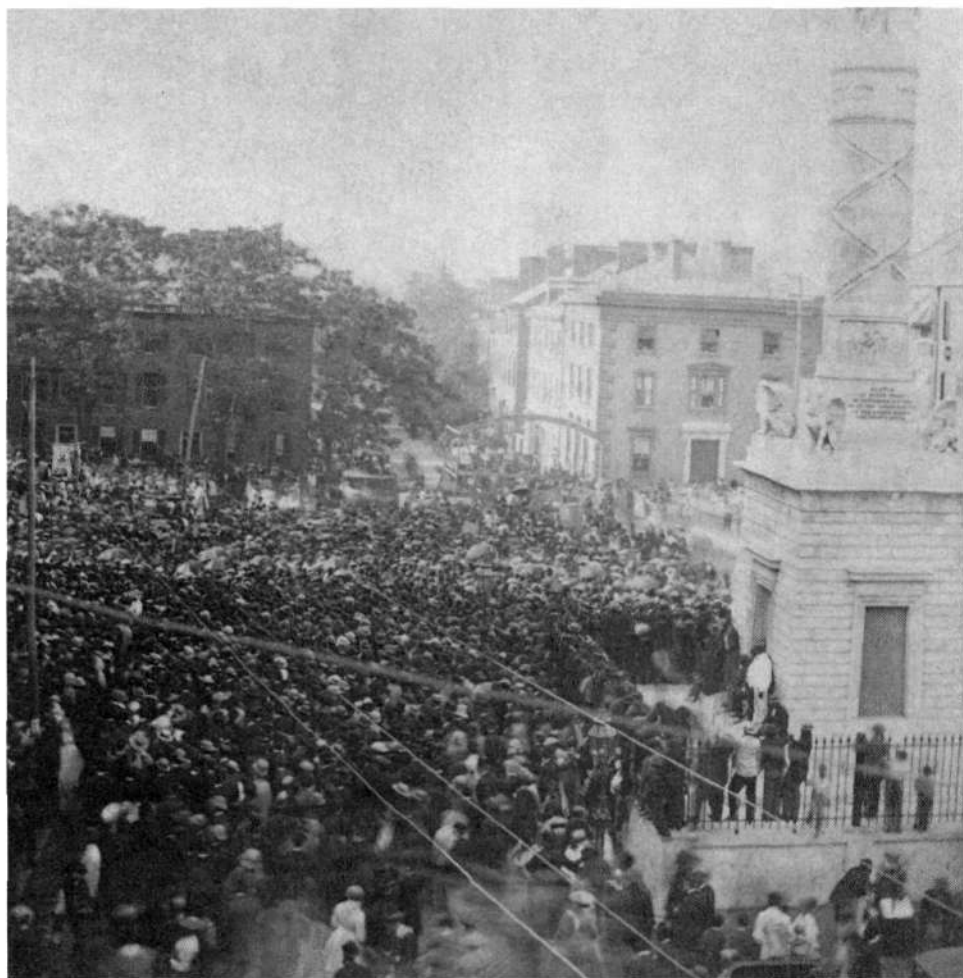
Yet, the existence of such a large concentration of African American Marylanders, one of the largest in the decades before and after the Civil War, created space for the development of community institutions and a new black urban culture. The most visible institutions in these neighborhoods included the Sharp Street M.E. Church and the Ebenezer Methodist Church, both important to the broader history of African American religion in America. This community served as the seedbed for the vibrant Baltimore African American culture that reached its apogee a mile or so to the northwest along Druid Hill Avenue, where the Sharp Street Church relocated in 1898. Residential patterns, together with contemporary racial attitudes, made South Baltimore an important place of conflict between whites and blacks.<sup>4</sup>

After the Civil War, Maryland Democrats (officially Democratic Conservatives) had "redeemed" the city and state and ratified a new state constitution that barred African Americans from voting. White supremacy and opposition to the developing Radical Republican approach to the South's reconstruction made up the party's core faith. These fundamental beliefs gave coherence and passion to the party's campaigns and brought together neighborhood partisans, who met frequently on street corners and in taverns, and more active politicians, who assembled at ward meetings and larger party conventions. Neighborhood cliques formed. Participation by their leaders in the broader affairs of the party created a structure that encompassed the entire city. For several years, Democrats had complete control of the municipal government and elective state and federal offices as well.

A small coterie of white neighborhood politicians dominated the party structure in South Baltimore. They often held patronage positions or acquired other material benefits from their political influence. They ranged from local businessmen and professionals to laboring men and rowdies. All were well known in local taverns and especially around the Cross Street Market.

## **Politics**

In 1870, after ratification of the Fifteenth Amendment, these South Baltimore Demo-



*Ratification of the Fifteenth Amendment, Baltimore, 1870. Racial tensions in South Baltimore escalated during political campaigns and on election days after black men gained the vote. (Maryland Historical Society.)*

crats came into sharper political conflict with their black neighbors and whites who allied with them. These Democrats saw in the amendment that gave black men the right to vote the latest element of a dangerous Radical Republican conspiracy, as Radicals sought to centralize power in Washington and deprive them of their most fundamental American liberties. Democrats viewed the high-handed use of the military to influence wartime elections in Maryland as evidence of the Radical scheme. They also detected in Radical agitation for a federal response to Democratic redemption of the state, and the subsequent congressional investigation into Maryland's political affairs, a continuance of that conspiracy. For them, the Fifteenth Amendment was its awful culmination—corrupt politicians desperately and shamefully embracing the brutish blacks in their midst to crush white liberties. Fears of direct federal



intervention in their neighborhood affairs seemed to be confirmed in the months following ratification when Congress passed Enforcement and Naturalization Acts establishing a federal supervisory role over the electoral process and infringing on powers that traditionally had been left to states and localities.<sup>5</sup>

The Naturalization Act permitted the United States marshal in the district to appoint an unlimited number of special deputy marshals to be present at congressional elections and “to arrest for any offence or breach of the peace committed in their view.” The provision required no party balance in the selection of special deputies, and the marshal could name members of one party exclusively. The legislation had only a minor impact in the South where the number of foreign-born immigrants was small and only a handful of cities were large enough to trigger the appointment of election supervisors and special deputy marshals. But its effect in Baltimore, where there was at once a large population of immigrants, whom Democrats wanted to vote (and whose votes they hoped to get), and a large population of African Americans, whom they wanted disfranchised, was much greater.<sup>6</sup>

Prior to passage of the Naturalization Act, Democrats had had nearly absolute control over the electoral process in Baltimore. They chose the registers, election judges, and clerks and appointed the police officers charged with keeping the peace. The only check was the requirement that the minority party have one judge and one clerk at each poll. That requirement, though, was easily finessed with the choice of bogus Republicans or men unable or unwilling to stand up to experienced politicians backed by rough supporters at polls that were often purposefully located in loyal Democratic neighborhoods.

Under the Naturalization Act, Republican control of the federal government meant that a strong partisan named by that party and appointed by a federal judge would have access to the offices of every register and could oversee the depositing and counting of every ballot at federal elections. It meant heretofore unseen numbers of deputized Republican marshals at the polls with broad powers to arrest anyone they deemed unruly. Democratic attempts to inflate the registration lists with spurious names and to intimidate and coerce African American voters would meet with closer scrutiny. At the polls, they would now be confronted by law enforcement officers with a vested interest in the success of the Republican Party. Men like George Trust took the appearance of these interlopers at the registration offices and the polls as a personal challenge to their livelihood—and, not incidentally, to their manhood.

Unsurprisingly, during the 1870s South Baltimore Democrats and federal election officials frequently clashed. In November 1870, when the city’s African Americans first went to the polls, Democratic officials published numerous calls for restraint, but they also urged their partisans, “Be firm! Be vigilant! Be active!!!” and “Be quiet in your demeanor, but determined in your action!” “We conjure you,” they continued, “by all that you hold dear on earth, for the sake of your manhood, your homes, your wives and little ones, your country, your race and posterity, to do your duty like

men bearing a sacred and solemn trust, and make your ballots the sharp and awful weapons of a tyrant's downfall."

On Election Day, though, order prevailed. Whites generally refrained from lining up with blacks. In wards with a large number of African Americans, whites reportedly waited until most had cast their ballots and gone about other business before taking their own places in the line. Deputy marshals wore pink ribbon badges to designate their status, but had little to do.<sup>7</sup>

Rowdiness and intimidation of black voters became more prevalent as their ballots had greater impact on local election results. In October 1871, a Fifteenth Ward Republican running on a National Reform ticket became the first candidate to defeat a Democrat in Baltimore since that party had redeemed the city and state. Democratic ward leaders, George Trust's friends and neighbors, deemed that result disgraceful. Their candidate owned a brickyard on the Middle Branch. His defeat came at the hands of the same black brickmakers he bossed down at the yard everyday. The long feared prospect of black rule suddenly seemed real. The following year, Republicans again claimed the Fifteenth Ward, as well as two others.<sup>8</sup>

Fear of African American influence accelerated over subsequent elections as new political movements threatened the ruling Democratic organization. Reform gained a strong foothold in 1875 when a Citizens' Reform Party made nominations and failed to unseat the entrenched organization only after a campaign marred by fraud and outright violence. Black voters were marked men. A white Republican trying to get several African American men to the polls heard someone in the crowd shout, "Here comes a nigger lover, don't he stink?" Another testified that "colored men were knocked down and kicked about the streets." A Democratic politician allegedly boasted, "You damn niggers shant carry this State today." On Federal Hill, a witness claimed that white men were firing on black men "like hunting partridges." Two years later, following the great national railroad strike and the violent confrontations between workers and the state militia on downtown Baltimore streets that left a dozen men dead, a broad coalition of political outsiders campaigned against the regular Democratic organization under the banner of the Workingman's Party.<sup>9</sup>

During even-numbered years in this same period, Democratic partisans and Republican-appointed federal supervisors and special deputy marshals confronted one another at federal elections. In the closely contested Rutherford B. Hayes-Samuel J. Tilden presidential contest of 1876, more than 1,100 Republican-appointed deputy marshals patrolled Baltimore streets wearing the pink-ribbon badges of their office. U.S. Marshal Edward Y. Goldsborough issued a circular to the special deputies asserting the supremacy of federal authority and declaring, "I... order that you secure to every voter, without regard to his race, color or party feelings, a full opportunity to deposit his ballot by keeping the peace and preventing disorder at the polls, and you will arrest any person who commits or attempts to commit a fraud or create a disorder in your presence at the polls, and bring such person forthwith before a United

States commissioner at the United States courthouse, but arrests must be made only for good and assured reasons." Special deputies arrested numerous Democrats, but police took in several marshals as well.<sup>10</sup>

The cases of several of the arrested marshals resulted in an important ruling by United States Circuit Court Judge Hugh Lennox Bond, a Republican most widely known for presiding over the Ku Klux Klan trials in South Carolina five years earlier. Bond noted that Article 1, Section 4 of the Constitution gave Congress full authority to regulate the election of its members. He cited Alexander Hamilton's justification for the section that every government had to retain that power to ensure its own survival and pointed out earlier laws that decreed the time and manner of electing senators and establishing a uniform time for electing representatives. Congress's authority necessarily included the power to police the polls. According to Bond:

Whether hostility or obstruction comes from the action or non-action of the States or individuals, Congress has the power in the preservation of the national existence which depends, as the life of all representative forms of government must, on the freedom and purity of elections, to establish regulations for conducting the elections which will prevent or remove these obstructions.

The judge ruled that the marshals were only upholding their duties and ordered their release from custody.<sup>11</sup>

Two years later, at the 1878 congressional election, the most violent collisions between the special deputy marshals and Democratic partisans occurred in South Baltimore. One marshal was shot and another cut in the back in an altercation over one of the Seventeenth Ward ballot boxes. Marshals in turn brought several well-known Democratic hitters before a federal commissioner on charges of being involved in the violence. Among them was Jim Busey, a well-known street brawler and leader of an influential Democratic gang in the Cross Street Market neighborhood. At Busey's subsequent, and long-delayed, trial in federal circuit court for the shooting of the marshal, he enjoyed outstanding representation—U.S. Senator William Pinkney Whyte and his son W. Hollingsworth Whyte—arranged by his political friends. During testimony, prosecution witnesses claimed that Mike Murphy, one of the election judges and, with his brother John "Butch" Murphy, a well-connected member of Busey's gang, refused the Republican election supervisor's request to inspect the box at the close of the polls, allegedly telling the supervisor he would not look inside unless he were a better man than himself. When Busey and several friends entered the room, the marshal turned on Busey and knocked him over a chair. He saw something flash in Busey's hand and heard a shot. A ball struck him in the side. Witnesses testified that they saw Busey reloading and wiping down his pistol shortly after the shooting.<sup>12</sup>

Defense witnesses, including political friends and several police officers, gave a similar account of the initial struggle, only shifting responsibility for the altercation to the marshal. They, however, named their friend Thomas Hogan, not Busey, as the shooter and produced a pistol with one empty chamber. Busey testified that he had drawn a pistol in the fight but had not fired. The jury could not agree on a verdict—newspaper accounts reported that after deliberations it stood eleven for conviction, one for acquittal—and the court never convicted anyone of shooting the federal officer in the crowded South Baltimore polling room. Fingering Hogan for the crime was more a practical legal strategy than a disloyal act. Hogan had died of consumption before the trial got underway.<sup>13</sup>

Special deputy marshals also arrested several local election officials, charging some with fraudulent acts and others with interfering with the performance of their duties. Mike Murphy pled guilty to charges of refusing to allow the supervisor to examine the registration list and preventing a deputy marshal from entering his polling room in the same ward. Henry Bowers, another South Baltimore Democrat with ties to Busey and his friends, allegedly interfered with one of the supervisors in the Seventeenth Ward by preventing him from examining the ballot box before the polls opened. Other election officials faced similar charges, along with accusations that they had surreptitiously put illegal ballots into the boxes.<sup>14</sup>

One of the cases involved Fifteenth Ward election judge Albert Siebold alias Kloman. Siebold, a common laborer who lived on Federal Hill, did not hold the rank of local party leader but was an active partisan. He had well-placed friends, and, on his arrest, a prominent Democrat served as his bail bondsman. At Siebold's subsequent trial, witnesses reported that the supervisor several times accused him of attempting to slip extra ballots into the box with legitimate ones but he was able to show that there were no extra ballots. Siebold also testified that his relationship with the Republican election officials had been cordial throughout the day. On the conclusion of the counting, the Republican election supervisor told him that the election had been fair and he would sign the returns. "A witness" intervened and said, "There is no need for you to sign." The supervisor, allegedly at the urging of one of the deputy marshals, then declined to sign the returns. The jury found Siebold not guilty on seven counts of refusing legal ballots, receiving illegal ones, and interfering with the federal officials, but they did find him guilty of putting several additional ballots into the box after the closing of the polls. Judge Bond sentenced him to eighteen months imprisonment.<sup>15</sup>

In September 1879, Siebold, Bowers, and three of the other convicted men petitioned Supreme Court Chief Justice Morrison Waite, the justice assigned to the Fourth Circuit, for their release on writs of *habeas corpus*. Waite ordered the federal marshal and the warden of the city jail to demonstrate the cause of their incarceration at the Supreme Court's opening the following month. At Waite's urging, the

convicted men then presented a petition to the full Court, which heard arguments in the case on October 24 and delivered its opinion the following March.<sup>16</sup>

That this important case originated in South Baltimore and not elsewhere in the American South was hardly an accident of history. Political developments and demographic trends had made the city's neighborhoods a primary point of contact between the races. The local African American population's size and cultural resources gave it the ability to organize politically, more so than freedmen across the rural South. The Fifteenth Amendment, and accompanying Enforcement and Naturalization Acts, had involved the federal government more directly in the election process and put its agents on the streets. Trust's neighborhood and those nearby were where the largest number of blacks, most coming up from southern Maryland counties, or perhaps arriving at Camden Station from the South, settled permanently. The resulting political clash presented a ripe opportunity for a test of the federal government's authority to intervene.

Justice Joseph P. Bradley wrote the majority opinion in *Ex Parte Siebold*, a resounding endorsement of Congress's authority to make laws governing the election of members of the House of Representatives under Article I, Section 4. The decision denied the curious argument of counsel for Siebold, Bowers, and the others that Congress must either take control of the elections or completely abandon any role. The federal government and the states had concurrent authority. As Judge Bond noted in his earlier decision, Congress had passed laws regarding elections without controversy. Moreover, Bradley continued, there was no risk of collision because federal laws were paramount to state laws. "The paramount character of those made by Congress has the effect to supersede those made by the State, so far as the two are inconsistent, and no farther." Baltimore election officials had a responsibility to enforce both federal and state laws:

In view of the fact that Congress has plenary and paramount jurisdiction over the whole subject it seems almost absurd to say that an officer who receives or has custody of the ballots given for a representative owes no duty to the national government which Congress can enforce; or that an officer who stuffs the ballot-box cannot be made amenable to the United States.<sup>17</sup>

The opinion explicitly recognized the official powers of election supervisors and special deputy marshals. Taking a position wholly at odds with the tone and content of the Supreme Court's earlier *Cruikshank* (1876) opinion, which held a limited view of federal authority to supersede local authorities or to ensure equal protection of the law, Justice Bradley rejected the argument "that the preservation of peace and good order in society is not within the powers confided to the government of the United States, but belongs exclusively to the States." Writing for his brethren, he as-



sented, "We hold it to be an incontrovertible principle, that the government of the United States may, by means of physical force, exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it. This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace to that extent." The Supreme Court denied the writ.<sup>18</sup>

The Court's rejection of the constitutional limits of federal authority that had been evident in its previous *Cruikshank* and *Reese* (1876) decisions fit a larger pattern in its opinions pertaining to the Reconstruction amendments. One interpretation of its decisions suggests that *Cruikshank* and *Reese* had been a product of political maneuvering, that the Court intervened to restrict the reach of the Enforcement Acts and save the Republican Party from growing public antipathy toward its Radical wing. Yet, taken together with several other important cases involving the Reconstruction amendments, it seems more likely that the Court was fundamentally unwilling to sanction a transformative assertion of federal authority but equally unwilling to allow the states to resist the legitimate exercise of federal authority.<sup>19</sup>

The effect of the decision was most immediate and direct in South Baltimore. Bowers's prison term had expired, but Siebold remained locked up with only a few months left on his sentence. More importantly to South Baltimore Democrats, the decision seemed to ensure that the same officials, operating with the full authority of the federal government, would be allowed to hamper their efforts to control the polls at subsequent congressional elections. Yet the short-term impact of the decision on Baltimore politics was not as significant as its long-term importance. *Ex parte Siebold* became one of the precedents establishing congressional authority over federal elections—authority pivotal to securing full voting rights for African Americans during the civil rights movement decades later.<sup>20</sup>

### "I Can Shoot Any \_\_\_\_\_ Who Says He Ain't for McKewen"

So George Trust had ended up on Light Street, revolver in hand, during the interlude when the Supreme Court had his neighbor Albert Siebold's freedom under consideration. Violence had surrounded much of Trust's personal experience. He had been born on Hill Street, on Federal Hill, in the early 1840s. His father Herman, a German immigrant, was a well-established baker in the neighborhood. His childhood coincided with a period of severe racial and ethnic conflict. White and black caulkers contended for places at the local shipyards, leading to several significant confrontations. Nativist gangs battled Irish and German rivals on the local streets. Eventually ethnic hostilities diminished, but racial ones grew sharper. Neighbors came to see Irish and Germans such as the Trust family as racially similar rather than ethnically different, wholly white with all of the accruing cultural advantages. Some, like Trust, anxiously defended this newly won status.<sup>21</sup>

Trust learned his father's trade as a young man prior to the Civil War but then left to fight for the Confederacy. After the war he returned to his old neighborhood





*View of Baltimore City, 1873, showing the jail and penitentiary in the top right corner. George Trust worked as a baker on the night shift at the jail. Trust joined the police force in 1867, rose to the rank of sergeant, but was later dismissed on charges of drunkenness. (Maryland Historical Society.)*

and became a police officer in the southern district in October 1867, rising to the rank of sergeant before being dismissed for drunkenness in August 1873. During Trust's time as an officer, he reportedly survived an assassination attempt when an assailant shot him as he walked his beat. The ball struck him in the chest but was deflected by his memorandum book and watch before passing through his coat. Shortly after his dismissal from the police force, he received an appointment as a baker at the City Jail, a position he held on the afternoon of Robinson's murder. The revolver used in the crime belonged to that institution and bore the inscription "Baltimore City Jail."<sup>22</sup>

Trust had deep ties to Democratic political circles on Federal Hill. In September 1874, Judge Hugh Lennox Bond appointed Trust as the party's federal election supervisor for the Fifteenth Ward, obviously on the recommendation of ward leaders. That same month, Trust served as the secretary of a meeting in the ward called to rally support for the renomination of Congressman Thomas Swann. The list of secretaries also included Albert Siebold and ward leader William F. "Billy" McKewen. The following year witnesses identified him as one of the rowdies implicated in the

election-day chicanery in South Baltimore. One claimed that he drove the hack that brought up voters for his party on the day of the municipal election. The witness suggested that Trust worked with one of the election judges to get in illegal votes. According to the testimony of another witness, "whisky or brandy in cans and beer in a keg were dealt out by George Trust . . . to voters in the yard back of the polling precinct." Police arrested Trust for assault on the day of the state election.<sup>23</sup>

Democratic lawyer John Henry Keene Jr. seemed to offer motivation, and an excuse, for Trust's violence during his cross-examination of one of the witnesses at hearings on the day's violence. After the witness testified that violence had been directed against blacks at the Fifteenth Ward polls, Keene alleged that many of the blacks had been repeat voters and asked the witness if he knew that Trust had knocked down one black who had called him a liar. Trust had again been arrested for drunk and disorderly behavior at the state election the week before Robinson's murder.<sup>24</sup>

Trust's political friends immediately moved to shield him from the severe consequences that might result from Robinson's murder. Two hours after the crime, a coroner's inquest began taking testimony inside the Southern District police station. The all-white, dozen-man jury included local politician Bernard L. Harig, a Democratic member of the Maryland House of Delegates at the previous session and a long-time neighbor of the Trust family. More than a dozen witnesses told the jury of the cold-blooded nature of the crime. Among them were Robinson's stepfather and mother, who, while her son's corpse lay outside in the yard of the station house, told the inquest of the violence she had seen and heard on Light Street.<sup>25</sup>

Witnesses clearly established Trust as the shooter, but they also provided some evidence that he was intoxicated at the time, a detail that set up a possible defense strategy. Intoxication, while not a legitimate legal defense, allowed for alcohol-induced insanity as a viable possibility. Intoxication, in any case, typically went on record as a mitigating factor in the Baltimore Criminal Court, particularly when the shooter was well connected, with numerous friends on the police force, in the jail, and in the courts, and the victim was an unknown African American from the countryside. Following the testimony, the jurors engaged in "a somewhat protracted deliberation," likely centering on the issue of Trust's level of intoxication, before finding that Robinson had died "from the effect of a ball fired from a pistol in the hand or hands of George Trust, while under the influence of strong drink." The final clause implied that those conducting the inquest, and the community they represented, believed Trust's intoxication diminished his responsibility for the monstrous act.<sup>26</sup>

Robinson's murder drew sharp reaction. Black residents held meetings to loudly voice their anger, and Republican politicians made the murder an issue in their public speeches. The case reportedly remained a live issue in the local African American community for several years. A Baltimore correspondent to the *New York Times* wrote an account of the crime that placed responsibility for the murder on the whole Democratic power structure in the city. Trust's arrest at the state election—"when

he got too drunk to be of service to the party he was arrested and kindly kept in jail till sober, then released”—emphasized the fact that the murder weapon belonged to the jail. Trust’s possession and deadly use of a weapon owned and controlled by the jail suggested not just slack administration on the part of the warden but a far more sinister abuse of his public authority. Trust’s rowdy past and the timing of events led to the conclusion that party leaders had provided him with the weapon for use on election day. The writer scoffed at Trust’s feigned drunkenness following his arrest and concluded that “a deadly hatred of ‘republican niggers’ is the only cause for the brutal crime.” The statement implied that individuals in positions of authority willingly exploited racial hatred and violence for political advantage—a far more outrageous and dangerous situation than the act of a single drunken man.<sup>27</sup>

Jail authorities made an immediate attempt to isolate Trust. The warden dismissed him and began an investigation into his possession of the weapon. He then told reporters that he knew nothing about the weapon and would not have allowed Trust to carry it, and that he regarded Trust as a mere baker and not an officer of the jail.<sup>28</sup>

The *Baltimore Sun* directly rebutted the *New York Times* account and defended the city’s reputation. The New York newspaper had stirred longstanding community concerns about Baltimore’s reputation for rowdiness and violence. The rebuttal admitted that “there may be hostility on the part of some ignorant and vicious people to ‘republican niggers’” but maintained that “the ignorant and the vicious do not constitute the bulk of the city’s population, and the decent people of the community should not be held responsible for the acts of vicious individuals.” Trust’s political connections were irrelevant. In murdering Robinson, he was an individual acting on his own cruel impulses.<sup>29</sup>

Despite public isolation, friends privately embraced Trust and made a coordinated effort to protect him. Senator William Pinkney Whyte represented the baker at the ensuing murder trial. Whyte, a former governor, ranked as one of the most influential Democrats in the state. The presiding judge in the criminal court was Whyte’s brother Campbell W. Pinkney. Given the overwhelmingly conclusive testimony against his client, Whyte decided to pursue an insanity defense. He introduced his case, according to one report, by asserting that “Trust had not committed a deliberate, premeditated murder, nor was it murder in the second degree, nor even manslaughter.” At the time, the defendant was not in a state of mind that allowed him to form the will to commit murder. He “was a totally irresponsible agent in the act for which he is here accused.”<sup>30</sup>

Defense testimony portrayed a wild man with a mind damaged through episodes of violent trauma and alcohol consumption. Several men who had known Trust during the Civil War described him as a brave but deranged soldier who frequently fired into barroom ceilings. He had run into one public house in Richmond, shouting “I have killed two Yankee officers, look at my sword.” Trust presented a flask of whisky

and a pistol to one man and told him, "Take some lightening or you shall take this." His comrades knew him as the "Crazy Indian."<sup>31</sup>

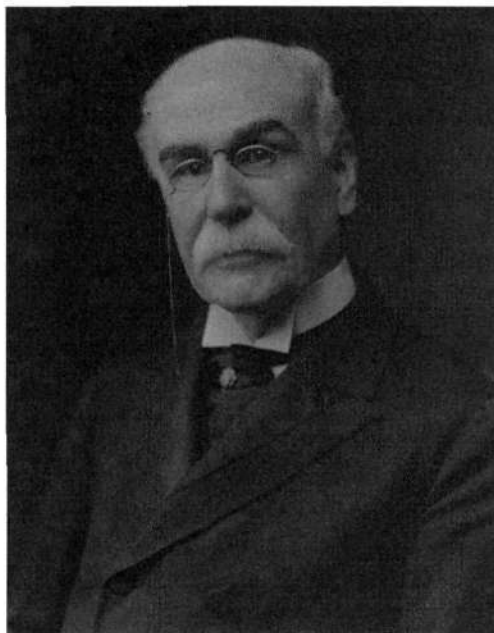
According to witnesses, Trust's bizarre behavior continued during and after his years on the police force. He shot out street lamps and fired at several men, once allegedly walking into a barbershop and asking, "How near can I come to that fellow's foot?" and then firing a ball into the floor about a quarter of an inch from the man's toe. On another occasion, he reached under his clothes, tore open an old wound, then displayed his hand drenched in blood. A doctor testified that he had treated him for "alcoholic delirium" for ten years preceding Robinson's murder.

This troubled behavior purportedly had accelerated in the weeks before the murder. Witnesses claimed that to demonstrate his nerve under fire, Trust had South Baltimore rowdy James Hagan fire four times at his fingers and a man too drunk to stand shoot at his head. He wore four political tickets in his hat and hurrahed for Democrats Billy McKewen and Bart Smith, warning "I can shoot any \_\_\_\_\_ who says he ain't for McKewen." Dr. George Benson, a Fifteenth Ward political friend, testified that he had treated Trust for *mania a potu* a day or so before the murder. Another man who had gone to Trust's house to do some work heard him say, "See them monkeys; they have been following me; I am going to have them painted on the wall." William F. Harig, another ward friend, recalled that Trust had seemed delusional the day before the murder and had thought that a large black man was trying to kill him. A druggist described helping Trust that evening in his shop. When three black men passed, Trust had drawn his pistol and said, "See me pop one over."<sup>32</sup>

A tavern keeper claimed to have served Trust a large number of drinks the following morning. The keeper said he interfered when Trust went outside and aimed his pistol at two passing white men. Another witness allegedly met Trust on Light Street shortly before the shooting and reported that the baker had drawn his pistol and exclaimed, "You \_\_\_\_\_! Who are you following?" He then declared, "This thing's got to be stopped."<sup>33</sup>

Some of the testimony pointed to the death of Trust's father earlier in the year as the immediate cause of his derangement. His sister told the jury that he had been exceptionally devoted to their father during his long struggle with a terminal illness. When he died, her brother "threw himself on the bed, and raved and howled like a wild animal." His behavior had then become threatening and his appearance "demon-like." Another witness, who described a barroom tirade the night before the murder, said that he ranted against the Know Nothings and the awls that they had used to assault their political opponents—men like his German immigrant father. Trust said that his father had been stabbed by forty-two awls and that one had broken off, eventually causing his death. Whether this account was an accurate description of the ravings of a disturbed mind or a witness's fabricated attempt to establish insanity in the defendant, the story suggested the horrific nature of the street violence during the Know Nothing period and the depth of the fear that remained to haunt families

*William Pinkney Whyte (1824–1908), attorney, former governor, and United States senator, represented several members of the city's Democratic clubs in their trials on charges of violence and misconduct at the polls. (Maryland Historical Society.)*



who had lived through those years. Bloody Civil War battlefields had not frightened Trust, but fights with Baltimore street gangs seemed to haunt him.<sup>34</sup>

Yet the testimony of the defense witnesses revealed more about the extent of Trust's personal network than his mental state at the moment he pulled the trigger and ended Robinson's life. Several of the witnesses, family members, neighborhood friends, and acquaintances recalled episodes that stretched back decades. Others, willing brothers-in-arms, traveled to Baltimore to help an old friend.

Importantly, many of them belonged to a political network with numerous connections on Federal Hill and across the city. Dr. George Benson and William Harig were two of the most prominent Democratic politicians in Trust's neighborhood and did not want to see their friend and ally hang for killing Robinson. James Hagan and Patrick Clark, members of Jim Busey's inner circle, and Lawrence Mayberry, Edward Bowers, and Thomas Murphy, deputy wardens at the city jail, held patronage positions that generally went to key associates of the ward bosses. Mayberry, for example, an active partisan in the Third Ward, completed a one-year term on the Democratic City Convention with Dr. Benson and Jim Busey the day he testified. A few months later, he reportedly went to Indiana with Busey and Hagan to boss an election there.<sup>35</sup>

Three of the prisoners at the jail testified to Trust's odd behavior on the morning of Robinson's murder. Walter Tucker, who had worked in the bakery that day, testified that Trust had acted crazily, trying to fight everyone. Martin Burns claimed that Trust wanted to shoot at a reflector at the jail. John J. Kernan said that Trust offered



to shoot him, declaring, "I'm a marksman." He was trembling and acting oddly and wanted to put eggshells in the bread dough.<sup>36</sup>

The prisoners who testified on Trust's behalf were not obscure men who happened to encounter him at the jail on the tragic morning. Tucker and Burns, two of the election judges convicted in the United States Circuit Court for violation of the federal election laws the previous year, were serving twelve-month sentences at the time. The Supreme Court had heard arguments on their *habeas corpus* petitions—filed in conjunction with Albert Siebold's case—only a few weeks before. Kernan belonged to the Eighth Ward Kernan clan and was a well-known politician who eventually "had a large following in the ward." He worked as a janitor at the City Hall and served as a delegate at the state convention the previous summer.<sup>37</sup>

Identifiable personal and political relationships between Trust and the vast majority of the defense witnesses who took the stand offer an instructive example of how the neighborhood and broader political networks in Baltimore functioned. Several of the witnesses were old friends from the neighborhood and from the war, but at least ten actively worked for the Democratic Party. They did not testify in a social or political vacuum but had connections to each other and understood that what they said would have an obvious impact on a friend and political associate. Additionally, they knew that the lawyer questioning them, a highly respected member of the Baltimore bar, also ranked as one of the most prominent party leaders in the city. To several Whyte was a personal friend. The pattern of relationships among the defendant, his counsel, and the numerous witnesses strongly hinted that the absolute congruity in the stories of the encounters with Trust in the days leading up to Robinson's murder resulted more from private interest than unbiased observation.

The jury deliberated only briefly before finding Trust guilty of manslaughter, a verdict that left Judge Pinkney with wide latitude in deciding the term of incarceration. Manslaughter carried a sentence of up to ten years in the penitentiary. In determining the length of Trust's incarceration, Judge Pinkney had to balance the need to demonstrate community outrage over the heinous nature of the crime against the fact that the convicted man was an influential political operative who had numerous connections to his brother's political network. The widespread outrage was nowhere deeper than in the African American community. On the final day of the trial, "colored men had seats in the little tier of seats where women usually sat. There were many other colored men in the general crowd outside the bar, and they remained to the last." The potential alienation of Trust's friends, though, provided significant counterweight. Judge Pinkney himself, nearing the end of a fifteen-year term that had begun with the creation of the new Supreme Bench in Baltimore under the Maryland Constitution of 1867, had to rely on the same Democratic network for election to a second term. He decided on a sentence of four years and seven months, much shorter than the seven to ten years typically given for manslaughter.<sup>38</sup>

Less than three years after the trial, Billy McKewen began a lobbying effort to win



a pardon for his neighborhood political friend. The effort had the support of “a large number of influential citizens” and the jury who heard the case. The petitioners sought a reduction in the prisoner’s term of incarceration, but the main concern centered on restoring his citizenship rights. Reformer Irving Ditty, heading the opposition to the pardon, pointed out Trust’s connection to the political violence and election frauds of the 1875 campaign. Ditty had unsuccessfully sought to have him indicted at the time. Governor William T. Hamilton heard the case in March 1883 but withheld his approval. His successor, Robert M. McLane, pardoned Trust the following spring. Little more than four years after committing cold-blooded murder, Trust went back to Federal Hill with all of the legal rights and privileges of citizenship.<sup>39</sup>

The events following Robinson’s murder offered an extreme example of how Baltimore’s dominant political organization could manipulate the legal process to protect its own. The public had a greater intolerance for the direct and concomitant costs of homicidal street violence, and the raw and outrageous acts practiced by partisans during the Know Nothing period were no longer tolerated. Moreover, an increasingly mature legal system and the evolving professionalism and sophistication of local law enforcement made it impossible for neighborhood clubs to overawe the available means of reining in their actions. Yet the personal and political affiliations of courthouse officials, and the interconnectedness of policing and neighborhood politics, left numerous opportunities for savvy operators to take advantage of the legal process. Frustration with the system manifested itself in the unsuccessful attempt of the Maryland General Assembly that met in the months following Robinson’s murder to pass a law removing the power to choose grand juries from the Baltimore sheriff.<sup>40</sup>

In the years after Robinson’s murder, conflict between South Baltimore Democrats and federal election officials diminished sharply. Federal election machinery remained dormant during municipal and state elections in Baltimore, and Republican administrations provided indifferent support after the November 1878 congressional elections. Democrat Grover Cleveland’s successful 1884 presidential campaign ended any possibility that the federal government would aggressively protect African American voters in South Baltimore over the next four years. Republican President Benjamin Harrison’s administration (1889–1893) did not greatly alter federal policy before Cleveland returned to the White House for another term.

After receiving his pardon in April 1884, Trust resumed his political career and soon reestablished himself in the local political structure. He became chairman of the executive committee and later president of the newly established Jefferson Democratic Association of the Fifteenth Ward, an organization that used especially strident language. At a meeting over which Trust presided, members pledged that they would prevent meddling Republicans from voting at the Democratic primary and warned “all such parties and their EMPLOYERS that as democrats, true to its principles, we will guard and defend the interests of democracy.” The citywide



*John C. Rose (1861–1927), attorney and civil service reformer, publicized the criminal records of the city's federal appointees. (Maryland Historical Society.)*

Crescent Democratic Club accepted Trust as a member. Most tellingly, the convicted murderer received an appointment to the Treasury Department's Internal Revenue Office. Baltimore Democrats had been locked out of federal patronage for almost a quarter-century before the Cleveland administration.<sup>41</sup>

Baltimore civil service reformers made a concerted effort to remove appointees such as Trust who had criminal records and rowdy reputations. Republican reformer Charles J. Bonaparte directed John C. Rose, a young lawyer who worked as an agent of the reform movement, to arrange for detectives to compile copies of Trust's criminal records and those of another office-holder. He then used the records to draw public attention to their appointments. Shortly after, national reform leader George William Curtis congratulated Bonaparte for forcing the "withdrawal of Trust" and, not incidentally, let him know that he himself had written to Secretary Charles S. Fairchild and "suggested that Trust might take himself out of the way." Another reformer noted that it would be well if Joseph K. Roberts, Arthur Pue Gorman's political friend and the official who appointed Trust, "could learn that public office is not just the best place to be given a repentant sinner in order to enable him to live a better life."<sup>42</sup>

Not long after Grover Cleveland's election to a second term in the White House in 1892, Trust wrote William C. Whitney a letter notifying him of his election as an honorary member of the new Whitney Democratic Club of the Fifteenth Ward. Whitney, a fabulously wealthy New York financier and the behind-the-scenes chief of the conservative wing of the national party, had engineered both Cleveland vic-

tories and had served as secretary of the navy in his first administration. Whitney was quietly one of the most influential figures in the country. Trust organized the Whitney Club to work toward Whitney's presidential nomination at the party's next national convention. The club was Trust's bid to enlarge his own political influence by connecting himself to a seemingly likely presidential candidate—and the most generous financial donor in the Democratic Party.<sup>43</sup>

After receiving a polite rebuff from Whitney, Trust made a bolder, more direct attempt to win the New Yorker's confidence. To demonstrate that the other local party regulars could not be trusted, he alleged that they had been untrue to Cleveland in 1892. According to the Federal Hill pol, shortly before the national convention, Jim Busey had told him that friends had purchased five hundred rounds of ammunition "for the firing of a salute in honor of the presidential candidate *to be*." The South Baltimore leader had then requested Trust "as an old ex-Confederate Artilleryman to captain the gun and fire the salute immediately on my receipt of a telegram announcing the convention's choice for President." Trust reported that when he had asked Busey who would win the nomination, he had been told Gorman and added that he had responded that Cleveland would be the successful candidate. When he never heard from Busey and the proposed firing never came off, he concluded that the regulars had really been for Gorman all along and had abandoned the salute when they learned of Cleveland's nomination. Whitney never supported the project, but Trust's club remained in operation until 1896, when it disbanded on the eve of William Jennings Bryan's silver campaign.<sup>44</sup>

During these years, Trust lingered on the fringes of Democratic affairs. He resided with his wife Marie and only son George Jr. on Hill Street on Federal Hill. He never became a ward leader but was more of a neighborhood pol, certainly tarnished but with a moderate following. Robinson's murder adversely affected his reputation. Despite his enthusiasm, Trust simply could not represent the party in any meaningful position. Ironically, he was most visibly engaged in a public debate over how to widen Light Street to facilitate the continuing development of the South Baltimore waterfront. His wife died at their house on Hill Street in January 1919 and Trust himself in July 1925. The family had a sad denouement four years later when a financially strapped and alcoholic George Jr. fatally shot himself in the chest in front of two police officers responding to a report that he had fired at his wife.<sup>45</sup>

Of course, William Robinson's murder clearly had a significant, and tragic, impact on the Robinson and Queen families. Robinson had unfortunately encountered the wrong man at the wrong time. On that afternoon, Trust had already spent more than two decades seeing and participating in the carnage of Civil War battlefields and South Baltimore streets. Old hostilities had largely given way, leaving a more persistent one between the races. The Fifteenth Amendment and Republican policies had briefly created the possibility of meaningful African American participation in the neighborhood's political affairs. These legal efforts, however, could not imme-

diately transform attitudes, and white supremacist Democrats would only continue to cement their control of city affairs in the coming years.

Trust could very well have bitterly resented his Republican rivals and their African American supporters—and felt he had the license to act upon it—as he stepped onto Light Street in the fall of 1879. Campaign rhetoric in the neighborhood had frequently warned about the perils of black rule. For almost a decade, he and his friends had contested with Republican election officials and his black neighbors. His political friend Albert Siebold, a white man, was petitioning the Supreme Court for his freedom from a confinement based on the word of these same election officials. Enduring excessive stress that was still pent up after a relatively quiet fall campaign that had concluded only days before in an overwhelming Democratic victory, and probably drinking heavily, Trust may have momentarily felt emboldened to act on his inner hatreds in a way that did not seem wrong given his personal history, and that of the place where he had been born and raised. And there was Robinson walking down the same street. The neighborhood's past as well as his own was at hand when George Trust squeezed the trigger of his nickel-plated revolver.

## NOTES

1. *Baltimore Sun*, November 12–13, 1879; May 19–21, 1880.
2. The Seventeenth Ward had not always been so overwhelmingly white. Two decades earlier, in 1850, the largest number of free blacks in the city lived in the same ward. Most of the ward's black population was placed in the Fifteenth and Eighteenth wards by a redrawing of ward lines in 1860. See M. Ray Della Jr., "An Analysis of Baltimore's Population in the 1850's," *Maryland Historical Magazine*, 68 (1973): 22–23; Joseph Garonzik, "The Racial and Ethnic Make-up of Baltimore Neighborhoods, 1850–1870," *MdHM*, 71 (1976): 397; and William G. Lefurgy, "Baltimore's Wards, 1797–1978: A Guide," *MdHM*, 75 (1980): 145–53.
3. Garonzik, "Racial and Ethnic Make-up," 397; J. Thomas Scharf, *History of Baltimore City and County* (Philadelphia: Louis H. Everts, 1881), 418, 420; George W. Howard, *The Monumental City: Its Past History and Present Resources* (Baltimore: J. D. Ehlers & Co., 1873), 248. The 1850 U.S. Census manuscripts list a total of 396 black or mulatto brickmakers and hod carriers in the Fifteenth, Sixteenth, and Seventeenth wards. In addition, a large number of the hundreds of black or mulatto "laborers" listed certainly worked in the brickyards, as did some of the sawyers, draymen, and carters. By contrast, there were fifty-two grain measurers and grain runners and thirty-three caulkers who were black or mulatto in the same wards. For the labor conflict over control of the caulking trade, see Ira Berlin, *Slaves without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), 349–54, and Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven: Yale University Press, 1985), 38; and Frank Towers, "Job Busting at Baltimore Shipyards: Racial Violence in the Civil War–Era South," *Journal of Southern History*, 66 (2000): 221–56.
4. Scharf, *History of Baltimore City and County*, 580–81; Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790–1860* (Chicago: University of Illinois Press, 1997); Karen Olson, "Old West Baltimore: Segregation, African-American Culture, and

the Struggle for Equality,” in Elizabeth Fee, Linda Shopes, and Linda Zeidman, *The Baltimore Book: New Views of Local History* (Philadelphia: Temple University Press, 1991), 57–78.

5. The Enforcement and Naturalization Acts set the stage for conflict between South Baltimore Democrats and federal election supervisors and special deputy marshals appointed to oversee voter registration and election-day balloting. The Enforcement Act of May 31, 1870, which attempted to ensure the protection of the right of all male citizens to vote under the Fifteenth Amendment, was a response to widespread southern violence and intimidation of the region’s black population. Despite the broad assertion of power contained in the act, its enforcement provisions were feeble. The burden for the arrest and prosecution of violators remained primarily with the victims and state and local law enforcement officials—the former generally too weak to act and the latter frequently complicit in the violence and intimidation. The Naturalization Act of July 14, 1870, greatly expanded the direct involvement of federal officials in the electoral process. The act’s fundamental purpose was prevention of naturalization frauds such as those that Republicans believed Tammany Hall Democrats had used to pad their party’s vote in New York, most flagrantly at the 1868 national election. The act criminalized fraud and deception in the naturalization process.

According to the act, any person “who shall hinder or molest any such person in doing any of the said acts, or shall aid or abet in preventing, hindering, or molesting any such person in respect of any such acts, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment not less than one year.” William Starr Myers, *The Self-Reconstruction of Maryland, 1864–1867* (1909; repr., Bowie, Md.: Heritage Books, 2003), 127–31. See also Unpublished U.S. House of Representatives Hearings (39) HJ-T.1, February 25, 1867; (39) HJ-T.2, February 27, 1867; (39) HJ-T.4, March 1, 1867; (39) HJ-T.5, March 2, 1867; Unpublished U.S. House of Representatives Hearings (40) HJ-T.6, October 17, 1867; (40) HJ-T.7, October 19, 1867; (40) HJ-T.8, October 21, 1867; (40) HJ-T.9, November 14, 1867; (40) HJ-T.10, October 16, 1867; (40) HJ-T.13, October 25, 1867; (40) HJ-T.16, November 15, 1867; (40) HJ-T.17, November 16, 1867; (40) HJ-T.20, February 18–March 20, 1868. George P. Sanger, ed. *The Statutes at Large and Proclamations of the United States of America* (Boston: Little, Brown, and Company, 1871), 16:140–46, 17:254–56.

6. Sanger, *Statutes at Large*, 17:256.

7. *Sun*, November 8–9, 1870.

8. *Ibid.*, October 26, 1871; November 8, 1871; March 20, 1899 (George Berry obituary).

9. *Ibid.*, January 4, 10, 18, 1876.

10. *Ibid.*, November 6–7, 1876.

11. *Ibid.*, February 24, 1877. A large number of the special deputy marshals and the men charged with interfering with them had their charges dropped by agreement of officials in the United States Circuit Court and the Baltimore Criminal Court. See *Sun*, June 17, 1880.

12. *Sun*, November 6–8, 12, 22, 1878; March 15, 1879; December 17, 19–20, 1879. For Murphy’s relationship to Busey, see *Sun*, November 14, 1879; September 29, 1880; May 16, 1885; January 24, 1887; February 9, 1889; September 22, 1892; February 11, 1895; January 25, 1897; *Civil-Service Reformer*, 2(12) (December 1886), 192; 4(9) (September 1888), 103–5.

13. *Sun*, November 6–8, 1878; December 17, 19–20, 1879; May 19, 21, 1880.

14. *Sun*, December 21, 1876; December 1, 1878; January 18, 24, 1879; February 6, 14, 1879; Charles Fairman, *Reconstruction and Reunion 1864–1888*, 2 vols. (New York: Macmillan Publishing Company, 1987), 2:473–74. See Election Cases, 9–25, United States Circuit Court, Fourth Circuit, Maryland District in Circuit Court, Criminal Docket, 1878–1903, vol. 2, Criminal Records, Record Group 21, Philadelphia, Pennsylvania.

15. *Sun*, December 1, 1878; January 15, 21, 1879; February 25–26, 28, 1879; March 1, 9, 1879. For



Siebold's earlier political involvement, see notice for a political meeting organized by the Democratic Conservatives of the Fifteenth Ward in *Sun*, September 9, 1874. Siebold [Sevode] is listed as one of the secretaries of the meeting. Siebold appears as Albert Seebode in several Baltimore directories between 1876 and 1882. His wife Augusta is listed as a widow in the directory in 1883.

16. *Sun*, September 11–12, 1879; *Ex parte Siebold* 100 U.S. 371 (1880); Fairman, *Reconstruction and Reunion*, 2:474.

17. *Ex parte Siebold* 100 U.S. 371 (1880).

18. *Ibid.* At the same time, the Court issued a parallel ruling in the case of an election official from Cincinnati. See *Ex parte Clarke* 100 U.S. 399 (1880).

19. See *U.S. v. Cruikshank* 92 U.S. 542 (1875) and *U.S. v. Reese* 92 U.S. 214 (1875). For analysis of the Supreme Court's decisions regarding the post-war amendments during this period, see Fairman, *Reconstruction and Reunion* (2:225–89); Robert M. Goldman, *Reconstruction and Black Suffrage: Losing the Vote in Reese and Cruikshank* (Lawrence: University Press of Kansas, 2001), 108–23; J. Morgan Kousser, "Easter Massacre and Legal Abstraction," A Review of Goldman's *Reconstruction and Black Suffrage*, WWW.H-Net.org, accessed January 2003, 5–9; Donald Grier Stephenson Jr., *The Waite Court: Justices, Rulings, and Legacy* (Santa Barbara, Calif.: ABC-CLIO, 2003), 153–68.

20. *Sun*, March 9, 1880.

21. See Jacob Frey description of Herman Trust in *Sun*, November 13, 1879.

22. 1850 U.S. Census, Fifteenth Ward, Baltimore City, Maryland, 27; 1860 U.S. Census, Fifteenth Ward, Baltimore City, Maryland, 305–6; *Sun*, December 27, 1869; November 12–13, 1879; May 21, 1880.

23. *Sun*, September 3, 9, 1874; November 3, 1875; December 14–15, 1875; January 6, 1876.

24. *Ibid.*, January 1, 1876.

25. *Ibid.*, November 12, 1879; November 18, 1892 (Bernard L. Harig obituary).

26. *Ibid.*, November 12, 1879.

27. *Ibid.*, November 13, 1879; April 10, 1883.

28. *Ibid.*, November 13, 1879.

29. *Ibid.*, November 13, 1879.

30. *Ibid.*, May 19, 1880; June 29, 1903, p. 12 (Pinkney obituary); March 18, 1908, p. 2 (Whyte obituary). The trial occurred after the election of Arthur Pue Gorman to Whyte's seat in January 1880 but before he formally assumed the seat in March 1881. Pinkney switched his middle and last names. He was born Campbell Pinkney Whyte.

31. *Ibid.*, May 19–21, 1880.

32. *Ibid.*

33. *Ibid.*

34. *Ibid.*, May 20–21, 1880.

35. *Ibid.*, May 19–21, 1880. On Mayberry, see *Sun*, May 21, 1878; May 20, 1879; May 20, 1881; February 13, 1883; *New York Times*, October 18, 1880.

36. *Sun*, May 20, 1880.

37. On Tucker and Burns, see *Sun*, January 24, 1879; February 17, 25, 1879; *U.S. v. Justus J. Gude and Walter Tucker*, 10, United States Circuit Court, Fourth Circuit, Maryland District in Circuit Court, Criminal Docket, 1878–1903, vol. 2, Criminal Records, Record Group 21, Philadelphia; Fairman, *Reconstruction and Reunion*, 2:473–74. On Kernan, see *Sun*, August 7, 1879; October 1, 1892 (obituary).

38. *Sun*, May 21, 1880.

39. *Ibid.*, April 10, 12, 1883; George Trust, Entry No. 290, December 9, 1882, p. 33, Maryland



Secretary of State, Pardon Docket, 1879–1886, Maryland State Archives (MSA), Annapolis, Md.; George Trust Pardon Statement, p. 7, Maryland Secretary of State, Pardon Statements, 1884–1885, MSA.

40. *Sun*, February 21, 1880; March 29, 1880; April 5, 8–9, 1880.

41. *Sun*, January 27, 1886; March 20, 1886; October 2, 16, 1888; November 5, 1888.

42. George William Curtis to Bonaparte, June 12, 1887, Box 9; William Potts to Bonaparte, June 16, 1887, Box 10; Bonaparte to John C. Rose, June 1, 1887, Box 135; Bonaparte to George William Curtis, June 10, 1887 and September 21, 1887, Box 135, Bonaparte Papers, Manuscripts Division, Library of Congress (LC), Washington, D.C. Bonaparte's September 21, 1887, letter to Curtis reported that Trust's replacement had subcontracted the job back to Trust.

43. George Trust to William C. Whitney, December 7, 1892, Container 77, Whitney Papers. For condemnations of Trust, see *Civil-Service Reformer*, 3(6) (June 1887), 85; 4(11) (November 1888), 131; *Sun*, June 9, 1888; February 25, 1889.

44. Trust to Whitney, December 7, 1892, Box 77; Trust to Whitney, July 29, 1893, Box 85; Trust to Whitney, December 19, 1895, Box 88; Trust to Whitney, June 10, 1896, Box 89, William C. Whitney Papers, Manuscripts Division, LC.

45. *Sun*, January 25, 1911; January 25, 1919; July 24, 1925; February 25, 1927; February 5, 1929.

# Our Diminishing Maritime Environment

WILLIAM S. DUDLEY

In a recent environmental history, John Wennersten wrote of the “tragedy of the commons” and compared the Great Plains and the Chesapeake Bay region of the years before the Civil War. He then noted that “Until the economic boom of the post Civil War era [they] . . . functioned reasonably well as a commons because ecological stresses were manageable. But later as Americans locked themselves in a system by which each man sought to gather as much wealth as was humanly possible, whether by shooting buffalo or gathering oysters, there came the inevitable tragedy.”<sup>1</sup> Many believed they could exploit assumingly inexhaustible resources. Recent history, however, has demonstrated that in our era this view is mistaken, borne out in the diminishing numbers of almost all species of finfish, shellfish, and wild fowl in the Chesapeake Bay estuary during the later years of the twentieth century.

This observation does not imply that the root of the problem is solely with the commercial watermen, the harvesters of the bay, and the amateur and professional hunters who view the bay’s wildfowl as their personal preserve. Those who have enjoyed and exploited the area for hundreds of years have propagated the concept that an apparently unending abundance of natural wealth is man’s birthright. Additionally, until recently, the public embraced the attitude that regardless of the environmental harm people, governments, and industries wreak there is a technological solution. Americans are a generally pragmatic people who believe that science, engineering, and technology will heal what nature cannot mend. The industrial revolution brought steam engines, canning, mechanized dredging, industrial waste, the gasoline combustion engine, and use of the rivers as sewers for burgeoning cities and suburban areas. Technology advanced the methods by which commercial fishermen harvested fish. It also brought concrete roads and highways to the water’s edge, improved agricultural techniques, created fertilizers to improve vegetable and animal produce, led to new techniques in home building, and indeed, built whole communities in but a few months time in places where family farms or wooded areas, rich in regional flora and fauna, had formerly thrived. Although many of these developments are beneficial to society, there is a dark side.

Since the late nineteenth century, several astute individuals have noted that

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exploitation of the bay's resources was exceeding its ability to replenish itself. The Maryland Oyster Commission in 1884 reviewed the condition of the oystering industry and came to the conclusion that "the oyster property of the State is in imminent danger of complete destruction"<sup>2</sup> The commission advocated the artificial cultivation of oyster beds, closing depleted grounds to dredging, and charging bay police with patrolling the rivers to enforce the new rules. Unfortunately the commission's concerns did not gain the desired support and as recently as the 1980s some legislators opposed these actions, regardless of the fact that oyster harvesting was but a shadow of its former self.

The great question today is not whether the Chesapeake Bay can replenish itself, but whether humans can alter their behavior, as a society, so as to assist the natural processes. The phrase "natural resource management" is often used to describe what the federal government, the state of Maryland, other contiguous states, and large private nonprofit organizations have attempted to do in reversing the decline of the bay's health. The U.S. Army Corps of Engineers has historically played a large role in improving navigation, particularly in clearing and dredging the bay's shallow channels and harbors. Clearing a channel through the shoals (Susquehanna Flats) where the Susquehanna River meets the bay at Havre de Grace remains a major undertaking. After the Civil War, the corps undertook to improve river navigation on the Eastern Shore for better access to places such as Queenstown on the Chester River, Cambridge on the Choptank, and Salisbury on the Wicomico. Dredging, though, produced spoil and the question of where it would be dumped produced conflict between watermen and the corps. Watermen complained the corps was smothering the oyster beds and sued in court to force the army to change its ways of depositing dredge spoil. Yet the focus remained on improving commerce rather than a primary concern for the health of the environment.<sup>3</sup>

As cities along the Chesapeake grew rapidly in the late nineteenth century, so did the problem of waste disposal. Most municipalities did not initially consider the problem. The issues of public health risks, foul odors, and polluted water were regarded simply as burdens that citizens must bear. As time passed, improvements in transportation created suburbs, and more housing sprang up to create still larger cities, usually located near the heads of major rivers. Early waste management techniques either trucked human and animal waste to nearby farms as night soil, or, as plumbing, water closets, and septic systems gained popularity, used sewer pipes to flush waste directly into nearby creeks and rivers that ultimately flowed to the bay. The same was true of other kinds of waste disposal such as offal from slaughter houses and garbage dumps, until by 1875 Baltimore harbor had earned the reputation of being "one of the great stench of the world."<sup>4</sup>

In the 1880s concerned citizens and urban sanitation experts in Washington, Baltimore, and Richmond began agitating for more scientific and health-conscious means of coping with waste disposal. By 1900, Baltimore's sewerage commission,

after a decade of study, submitted a report in which it proposed discharging the untreated wastes of 350,000 people into Chesapeake Bay. Fortunately, wiser heads prevailed, among them advocates of the oyster processing business who pointed out that this massive dumping would imperil not only the health of oysters but of those who ate them. Since oysters were the source of one of the city's great turn-of-the-century industries, the argument had beneficial effect. Yet not until the "Great Fire" of 1904 destroyed much of the city's infrastructure was the way finally cleared for the building of a modern sewage treatment plant on Back River. Completed in 1912, it made Baltimore the first major city in the United States to adopt a waste treatment system.<sup>5</sup> Twenty years passed before Washington, D.C., adopted such a plan and about fifty years before officials in Norfolk addressed the issue.<sup>6</sup> Among other developments that demonstrated a growing awareness of ecological damage was the fact that Maryland congressmen supported the passage of the Federal Oil Pollution Act of 1924. This measure, though small in its initial impact, marked an important step toward the establishment of the federal government as an arbiter in the field of water quality in Chesapeake Bay. On the state level, sufficient support for Maryland's role developed by 1945, when the General Assembly established a Committee on Water Pollution. These modest steps established legislative precedents for major regulatory efforts on the state and federal levels in the 1960s and 1970s.<sup>7</sup>

### **Inherent Contradictions**

At the turn of the last century, burgeoning industrial and commercial development, population growth, and the increased demand for seafood seemed unrelated and did not initially conflict, but the contradictions inherent in unregulated growth were apparent before 1900. Problems that spiraled into public consciousness in the second half of the twentieth century as environmental issues had originated decades earlier in the political handling of Baltimore's public health problems and their effect on Chesapeake Bay fisheries. The "oyster wars" aside, opposition to regulation undermined the long term commercial value of the Maryland shellfish catch.

Three early pioneers in fighting bay pollution were Harrison Vickers, Swepson Earle, and Reginald V. Truitt, all of the Eastern Shore. Vickers, a businessman from Chestertown who served on the Maryland Conservation Commission, wrote and spoke tirelessly on the need to protect the Chesapeake's shellfishery. The Conservation Commission functioned on a shoestring budget in 1922 and survived on the income from a two-cents-per-bushel oyster tax. A seemingly modest amount, the tax brought \$80,000 to the commission at a time when buy-boats hauled in approximately four million bushels per year. The money supported a staff of twenty-one game wardens and twenty Oyster Police deputy commanders. The legislature, unfriendly to the cause of regulation, weakened well-meaning efforts to limit oystering and minimized enforcement of the law. Vickers obtained the cooperation of his counterparts in Virginia and Pennsylvania to enforce the laws more strictly governing commercial

net fishing operations and to participate in joint hatchery operations. In 1930 he also persuaded both states to cooperate in banning oyster dredging on the Potomac River.<sup>8</sup> Swepson Earle, a marine researcher who replaced Vickers on the Conservation Commission, researched the problems of merchant ships pumping bilges in the bay. This uncontrolled and common practice saturated bathing beaches with fuel oil and threatened to undermine the fin and shellfish industries. The Maryland congressional delegation, in league with other states, voted in favor of the National Oil Pollution Act of 1924.<sup>9</sup> This law prohibited ships from pumping oil into state waters. At about the same time, Reginald V. Truitt, a scion of a Snow Hill family in the seafood packing business, became interested in scientific study of the bay and was well on his way to becoming a leading marine scientist.<sup>10</sup>

Truitt and other conservationists realized that more must be done to encourage the growth of oysters in the bay but found it difficult to convince watermen and politicians to spend the necessary money, time, and effort. One comparatively simple solution was to return oyster shells to the bay instead of grinding them up for chicken grit or using them as the base for paving roads or in limestone production. Once returned to the bay, oyster shells could form a natural home for oyster cultch and encourage the return of once-plentiful oyster reefs. In 1922 the Conservation Commission planted 100,000 bushels of oyster shells in the bay.<sup>11</sup> Truitt's family background, wealth, and scientific education gave him unique access to the social and political circles that enabled him to advocate the causes in which he believed and to make progress in establishing the practical benefits of marine science for Chesapeake Bay. According to Chesapeake Biological Laboratory (CBL) research scientist Romeo Mansueti, Truitt also understood watermen's customs and values and had the ability to speak their language, to gain their confidence, and be able to work with them hand-in-hand. In the opinion of Dr. Kenneth Tenore, former director of the CBL:

... these were the essential attributes Dr. Truitt brought to his successful career in marine research among the highly individualistic communities of the Bay. A unique man even by today's standards, Dr. Truitt moved easily and effectively between academic circles and those who managed natural resources. Seemingly years ahead of his time, he argued for and stimulated the idea of regional marine laboratories (rather than remote national centers) to insure that the rich mosaic of coastal marine life would be appreciated and studied.<sup>12</sup>

During the 1930s various public groups showed an awareness of the damage being done to the Chesapeake's natural environment. Fish kills, accompanied by putrid odors, appeared on Curtis Bay, a place whose shores had been blessed with farms, orchards, and good fishing a generation earlier. Apparently the problems had developed along with the industrialization of the lower Patapsco River in the

decade 1910–1920. According to the official Maryland Manual of the Department of the Environment:

... the [Conservation] Commission and the Department of Health began by examining pollution in the Curtis Bay area of Baltimore harbor. There, war-related industries had concentrated since 1914. Trade wastes exuded up to four million gallons per day from just one alcohol plant, whose attorneys in 1922 suggested that safeguarding Curtis Bay waters was impractical and impossible. They recommended that the area be designated an industrial zone exempt from water quality requirements. Despite the area's highly colored, thick and odoriferous waters, the Conservation Commission was unwilling to pinpoint Curtis Bay pollution as the cause of oyster decline in the Patapsco River and upper Chesapeake, blaming increased salinity and excess rainfall instead.<sup>13</sup>

Only a few miles down the Patapsco from the Inner Harbor, Curtis Bay came into the sights of conservationists and fishermen's organizations because of the industrial pollution it flushed into the river. Steel mills, a paint factory, and other industrial plants located on the shores of Curtis Bay produced these toxic wastes. Among them, were the Davison Chemical Co., a division of W. R. Grace; the Boston Metals Co., a ship-breaking firm; the Atlantic Cement Co.; the Curtis Bay Co. coal terminal; and the Baltimore & Ohio Railroad's coal loading pier. Additionally, Curtis Creek is the final resting place of many old wooden transport vessels, such as the schooners *William T. Parker*, *Zora and Annie*, and *Carrie*, as well as the hulks of the steamers *Emma Giles* and *District of Columbia*. Farther upstream at Arundel Cove stands the U.S. Coast Guard's yard for repair and overhaul work of its vessels based on the Atlantic and Gulf coasts, established in 1899.<sup>14</sup>

Gradually, Maryland's governing agencies realized that they had to take more action, and citizen groups began combining their efforts. In 1935, forty-four conservation organizations come together and formed the Maryland Outdoor Life Federation. The Izaak Walton League (mostly sport fishermen) urged greater protection of freshwater streams, and the federation lobbied for a reorganization of the state's conservation agencies and the establishment of a board of pollution control. They showed a new awareness that population growth and rapid industrialization were the root cause of pollution in the bay and its tributaries.<sup>15</sup> This reform movement lost some of its momentum during the war years, but came back to life in the late 1940s and 1950s.

### The Susquehanna River and the Bay

Public awareness of environmental issues reached new levels of interest during the ensuing decade in Maryland and throughout the nation. In 1945, the Maryland Board of Natural Resources formed a Committee on Water Pollution, assigned to



coordinate the various functions of the Department of Health and fisheries interests within the Board of Natural Resources. Sportsmen's groups, though, knew that an agency limited to coordinative functions would not be strong enough to have an effect on a problem as broad and complex as pollution. There would have to be a state agency focused solely on pollution control, and this is what the assembly created in 1947, over the protests of industry, municipal, and some governmental officials.<sup>16</sup> Meanwhile, citizens' groups concerned about municipalities polluting the rivers of the upper bay organized the Upper Chesapeake Watershed Association to oppose continued discharge of raw sewage into the bay. In 1955, a *Baltimore Sun* article called attention to cities and towns with public sewers but no treatment plants, some with no sewers at all, and others whose treatment facilities grew increasingly inadequate as the population grew. Ironically, the writer noted, recreational boaters and shoreline property owners, some of whom were concerned with river and bay pollution, contributed to the problem by releasing wastes directly in the South, Severn, and Magothy Rivers.<sup>17</sup>

Coal mining in Western Maryland and Pennsylvania also added pollutants. Over the years the industry has produced acid mine wastes that effectively ruined the health of many streams that emptied into the Potomac and Susquehanna Rivers. The Susquehanna is the most important tributary of the bay. In fact, many would say that but for the Susquehanna River there would not be a Chesapeake Bay.<sup>18</sup> Pollution has plagued the river for well over a century thanks to entrepreneurs who saw the creeks flowing into the river as a source of energy and a way of removing the waste that industry generated. Only more recently have citizens understood that these traditional ways of putting natural supplies of water to work have the opposite effect, poisoning wildlife and threatening human health.

In Pennsylvania, these industries included steel mills, tanneries, slaughter houses, food processing firms, dairy farms, and coal mining. Coal production in Pennsylvania mines exceeded all others, and billions of tons remain in the ground, bituminous in the western part of the state and one of the world's largest deposits of anthracite in the northeast. In the nineteenth century the growing nation's demand for coal to power industries and utilities brought railroad titans and coal mine owners together in a powerful combination of wealth and politics. These men so completely controlled the legislature that for many years it passed laws to protect their industries from the efforts of health-oriented groups and conservation organizations who sought regulation. Until the 1960s, coal mining functioned outside Pennsylvania's clean stream laws.<sup>19</sup>

In 1993, journalist Susan Stranahan explained that the mining process introduces water into the mines, and when the water is pumped out it mixes with pyrite, a compound of iron and sulphur, which then combines with air, oxidizes, and produces ferrous sulfate and sulphuric acid. These in turn produce other toxic compounds, such as iron hydroxides. The latter substance gives streams receiving coal mine

waste a bright orange color. When these acids reach high enough levels, a stream's living organisms die. Frequent floods and freshets in the deforested mountains of Pennsylvania periodically flushed the mines and sent strong surges of acidic water downstream, leaving riverbanks strewn with dead trout, bass, and pike, all victims of fatal upstream pollution. In the post–World War II era, Pennsylvania's politicians and judges began acquiring the knowledge and demonstrating the courage to oppose the coal mine interests. Republican Governor James Duff, who happened to be an outdoor sports enthusiast, took on the established interests and demanded that communities start building sewage treatment plants to clean up the state's streams.

An alarming event in the coal mining industry spurred the public's attention. The Knox Coal Company had been mining the Wyoming Valley seams for two hundred years, and in January 1959 its miners were working the Pittston anthracite vein that ran beneath the Susquehanna River. Even though a mining inspector had issued a warning against further work in the River Slope Mine, the company ordered its men to continue on an upward grade toward the river's bed. Suddenly the mine's protective timbers cracked, gave way, and with a mighty roar the river poured into the mine. Many escaped, but twelve died in the icy waters that had begun to inundate hundreds of miles of tunnels. In just a few days, the Susquehanna brought an end to mining in the Wyoming Valley, forcing more than 11,000 people out of work. The state made major efforts to seal the gigantic hole in the riverbed, spending over five million dollars on recovery and repair work, but the major damage had been done.

To make matters worse, in 1961 giant pumps installed to control flooding in the Wyoming Valley mines began to push twenty-five million gallons of highly acidic water per day into the Susquehanna. The river rose three feet and spread dying fish along its banks for fifty-five miles below Wilkes-Barre. Albert M. Day, executive director of Pennsylvania's Fish Commission, called this event "the most serious pollution ever."<sup>20</sup> Still, it was not until 1970 that Pennsylvania's Governor Raymond P. Shafer's Environmental Strike Force, a group of young lawyers, sued Big Coal, represented by the Barnes and Tucker Coal Company, whose holdings had produced another major acid water spill. The strike force went to court to force the company to take responsibility for the poisonous discharge and, as the law required, clean up the area. The state's supreme court upheld the governor's authority to enforce the laws governing the mining industry. In the years since 1970, Pennsylvania's acid mine water outflow has been cut back but not eliminated. Although the state's sewage treatment plants are more numerous, Chesapeake Bay still suffers from toxic wastes and excessive nutrients, part of the sediments that the Susquehanna River empties into the upper bay.<sup>21</sup>

### **Chesapeake Environmentalists Find a Wider Audience**

In 1928, construction of the Conowingo Dam created an environmental disaster for Maryland fishing. To provide electrical power for 250,000 homes, the Philadel-

phia Electric Company constructed a dam across the Susquehanna ninety-five feet high and one mile wide, with U.S. Route 1 running along the top. In doing so, the company destroyed "what had come to be called" the "greatest fish highway in the nation." Each year, from time immemorial, millions of shad had migrated from Chesapeake Bay up the Susquehanna to spawn in the rivers and creeks of northern Pennsylvania and southern New York State. After completion of the dam they had nowhere to go, for the engineers who designed it made no provision for preserving this major natural event. Regardless of protests about the devastating effect on fish and fishing, a generation of shad, river herring, and striped bass reached only the area ten miles above the river's mouth.

Additionally, the Philadelphia Electric Company withheld water by stopping the flow of the river during the dry season to generate electricity at peak usage hours, causing massive fish kills during the periods of extreme dry weather that occurred after World War II. The Upper Chesapeake Watershed Association made their opposition known, and eventually, four utility companies that enjoyed the benefits of the dam's power outflow agreed to finance the building of a "fish lift," a passageway in the dam that allowed the fish to return to their spawning grounds. Years of hearings and lawsuits passed before Philadelphia Electric finally agreed to build the appropriate fish passageway to accommodate the shad and other species moving upstream. They finally completed the fish lift in 1991.<sup>22</sup>

To place these events in broader perspective, Marylanders were among many American citizens who were learning more about the threat of industrial waste and air pollution to the natural environment. Talented science writer Rachel Carson wrote convincingly in her wide-selling books *The Sea Around Us* (1951), *The Edge of the Sea* (1955), and *Silent Spring* (1962) of how human welfare and the health of all living creatures were linked and how humans, through intervention, mistreated the environment. Carson's books stimulated a public yearning for more knowledge about the mysterious oceans that surround and dwarf our continents. People worried about the ongoing Cold War gained a measure of relief in understanding the great environmental issues that tended to diminish people's day-to-day problems.

In *The Edge of the Sea*, Carson dwelt upon the creatures living in the world between sea and land, the dynamics of the tides, shoreline geology, the role of surf and currents, and the variety of life that survived in the tidal zone. Yet her most important book, *Silent Spring*, did not initially receive wide acclaim, primarily due to its frontal attack on the gospel of technological progress. Here she delved into the relationship between human health and synthetic pesticides as well as the effect on the insect and bird populations. Carson became interested in the effect of chemical insecticides on all living things and their fundamental ecological relationships. With the publication of *Silent Spring*, she received high praise for her courage and skill in taking on the topic of the widespread and indiscriminate use of pesticides, but her book also enraged chemical industry advocates who went out of their way

to condemn it as unscientific and the work of a troublemaker, even a Communist.<sup>23</sup> Carson's work survived these attacks and awakened the nation to the potentially damaging, even fatal, effects of the continued use of pesticides such as DDT on all living things. Her books helped shape the intellectual environment that became the foundation for generations of environmental protection advocacy and legislation in the Chesapeake following her death from cancer in 1964.

Numerous studies of the bay's health have been completed since the publication of Rachel Carson's works, but the effort that stands out is that of Maryland Senator Charles Mathias, who in 1975 determined to push the federal bureaucracy to try to solve the bay's problems. An avid environmentalist, he gathered and studied scientific information and inserted an amendment in the Environmental Protection Agency appropriation bill directing the agency to make a formal study of Chesapeake Bay. The amendment called for establishment of a Chesapeake Bay Program that assimilated scientific studies, analyzed and disseminated the data, determined which federal agencies had the responsibility for managing the health of the bay, and sought ways to improve its management.<sup>24</sup> The EPA issued five reports in 1982 and 1983, concluding that the bay environment was in decline. Manure and commercially manufactured farm fertilizers draining into streams and rivers ranked among the major causes. Although not a new discovery, its presentation in a federal report brought renewed attention to the problem. Manure and fertilizers introduce excessive levels of phosphorus and nitrogen that feed algae concentrations. These, in turn, remove oxygen from the water that fish and other sea creatures need for their own existence.

Tidal and non-tidal wetlands once served as natural filters of such runoff. Bogs, swamps, and marshes protected the bay, catching runoff and providing habitats and food for various forms of wildlife, fish, shellfish, and waterfowl. Human alteration and destruction of wetlands, whether to build waterfront housing or to construct bulkheads to prevent land erosion, interrupts the natural filtration process and denies sea creatures and wildfowl the places they need for sustenance. The Fish and Wildlife Service estimates that between 1982 and 1989, the Chesapeake wetlands lost an average of 4,500 acres per year.

The losses alarmed the governors of Maryland, Pennsylvania, and Virginia who came together at the 1983 Governors Conference, "Bay Declarations." They agreed to form a partnership, the Chesapeake Bay Program, dedicated to reducing pollution, restoring habitat, and achieving sustainable fisheries' harvests. Later, their individual states enacted laws to criminalize the conversion of wetlands for development or other uses. In Maryland this took the form of several General Assembly enactments addressing the Chesapeake Bay environment. The principal element of this legislation, the Chesapeake Bay Critical Areas Protection Act, aimed to standardize state and local control of waterfront development with the establishment of a "critical area," a thousand-foot ribbon of land bordering the water to act as a buffer against

development that otherwise would damage or injure natural processes that keep the bay healthy.<sup>25</sup>

The act recognized three areas that would be affected: intensely developed areas (IDAs), 5 percent of the total, limited development areas (LDAs), 15 percent of the total, and resource conservation areas (RCAs), the remaining 80 percent and the most restricted area. But local jurisdictions have weakened the law. In the LDA zones, many communities allow a building density of four dwellings per acre that, considering the number of people, automobiles, and infrastructure they require, represents an environmental threat. Although environmental advocates considered this act a major step forward in the effort toward a healthier bay, they were frustrated with the loopholes that allowed the construction of single-family homes on lots legally recorded as of the date of the legislation. (Many people rushed to sell and buy land and record deeds in the days leading up to local commission approval of the critical area programs.) With such great demand for valuable waterfront acreage that was about to become even more scarce, land prices rose dramatically, effectively denying low-income families who had traditionally worked the water the ability to find affordable land. Those who already lived near the water faced rapidly increasing property taxes. The Critical Area Act in fact did much to protect wetlands and undeveloped lots that could not be “grandfathered” or allocated for growth, but some municipalities have enforced these laws neither rigorously nor consistently, and developers and homeowners’ groups have successfully protested and lobbied against the measures. *Baltimore Sun* reporters Rona Kobell and Timothy Wheeler have written that the Critical Area Law is being by-passed, ignored, and so lightly enforced that the bay continues to suffer the “death of a thousand cuts.” The decentralized nature of community enforcement and the Critical Area Commission’s inability to provide oversight has allowed developers and some homeowners to encroach upon areas that are within the buffer’s 1,000 feet of the shoreline. The commission’s one significant victory was its vote in 2007 against the Blackwater Resort, a proposed 3,200-house development near Cambridge that had requested a zoning change. The Chesapeake Bay Foundation successfully mobilized popular support to oppose this incursion into the Blackwater National Wildfowl Refuge, and Governor Martin O’Malley threw the state’s support into the effort.<sup>26</sup>

In 1986, the *Washington Post* published an investigative piece that revealed the devastating effects of continued industrial pollution in Maryland from governmental as well as commercial sources. The article stated that “the wastes from Bethlehem Steel, Aberdeen, and Easton, combined with those from about 5,000 other factories, military bases and sewage plants from Virginia to New York, are killing life in the Chesapeake. Almost all species of the bay’s creatures are declining dramatically—the annual oyster catch, for example, is down by two thirds in little more than a decade.” The decrease was attributable in large part to the accumulation of wastes in the Chesapeake Bay, which trapped them like a giant sink. Only one percent of



the pollutants were being flushed out to sea. Runoff from farms and other areas accelerated the bay's deterioration. The Clean Water Act of 1972 gave state officials a useful tool in enforcing the law through a system of permits limiting the pollutants that individual "dischargers" could dump into any body of water, but unfortunately, state officials in Maryland and Virginia rarely punished firms, even when records showed consistent violation of the laws. According to the National Oceanic and Atmospheric Administration, industries and sewage plants along the shores of the Chesapeake were discharging nearly 4 trillion gallons of waste water into the bay annually, nearly one-fifth of the amount of water in the bay at any one time.

In 1983, considerable attention focused on Chesapeake Bay as a result of the "Save the Bay" campaign. Federal and state officials drafted the plan, and President Ronald Reagan endorsed the effort in his 1984 inaugural address. Ironically, it was the federal government as well as corporations that produced the illegal discharges—invisible pollutants, such as ammonia, cyanide, and chlorine, that are more dangerous than the visible pollutants. According to Victoria Churchville, federal officials had done even less than their civilian counterparts to bring government agencies into compliance.<sup>27</sup>

Despite this gloomy situation, Chesapeake Bay's condition has not been ignored. The Chesapeake Research Consortium, Inc. reports that more than four thousand studies have been conducted since the early 1970s. The value of commercial and recreational water harvesting of oysters, clams, crabs, and fish amounts to \$440 million per year to Virginia and \$410 million for Maryland, and the main danger to these industries comes from toxic chemicals. Permits guard against suspended pollutants, nitrogen, phosphorus, and biological and chemical materials. Federal studies show that 480 different toxic chemicals were found in the bottom of Baltimore harbor. Some 327 chemicals were found "in the main stem of the bay, and 310 from the Elizabeth River of Norfolk."

Principal species of traditional Chesapeake regional wildfowl and fisheries have been affected. There has been a significant reduction in the numbers of ducks—pintails, widgeons, black ducks, canvas backs, and redheads—wintering over. The rockfish or striped bass population dropped from six million pounds in 1970 to only 600,000 in 1983, though a moratorium on rockfishing in the late 1980s has led to a promising recovery. Oyster harvests have dropped by two-thirds in twenty years. Crab populations fluctuate greatly. The shad catch declined to its lowest level in eighty years, from fifty million pounds in the 1890s, to three million in 1984. Soft shell clams declined at even higher rates than oysters. The bald eagle population is threatened as shoreline is developed and old forests are cut. Osprey and eagle populations have risen since DDT was banned but are still below the 1920 levels. Some 60 percent of the bay's submerged aquatic vegetation has disappeared in the last two decades. Underwater grasses are essential because the bay's aquatic life depends on them for food and breeding grounds.



Since the mid-1980s, much public attention has been drawn to these problems, and the Chesapeake states announced another joint Maryland-Virginia effort in the fall of 1994, just before the congressional elections, to appease voter concern. But within three years, a major setback in public attitudes toward the health of the bay and its sea life resulted in yet another traumatic episode for the bay. Fishermen on Maryland's Eastern Shore, working on the Pocomoke River, discovered numerous dead and dying fish with nasty red lesions. Some seemed to have had their flesh eaten away by a disease.

Alert reporters and officials at the Maryland Department of Natural Resources suspected that the culprit was *pfiesteria piscicida*, a single-celled organism that had attacked millions of fish in North Carolina's rivers. JoAnn Burkholder and Karen Steidlinger, marine biologists working in North Carolina and Florida respectively, had discovered *pfiesteria piscicida* as they analyzed the southern fish kill. Scientists in Maryland soon confirmed active *pfiesteria* in the Pocomoke. One of a variety of tiny dinoflagellates, *pfiesteria* apparently generated a toxin that killed the fish, but worse news spread quickly. Some of the fishermen began to experience numbness in their extremities, mental confusion, and serious short-term memory loss. News reporters and photographers gathered at Shelltown on the Pocomoke and soon the stories and photographs of sick fish appeared in major national newspapers and on television news reports. The state's public health officials sent a medical team to investigate, and they confirmed the existence of the disease and its impact on watermen and state workers. A fear of Chesapeake seafood spread throughout the region. People stopped fishing, stopped buying fish, and refused to patronize seafood restaurants. Governor Parris Glendening in late August took official notice of these events and closed seven miles of the lower Pocomoke River to all boaters and fishermen. Gradually the crisis subsided. Just thirty to fifty people reported poor health and, with the return of cooler weather, the fish kills disappeared. Life had apparently returned to normal.

In the wake of this fear and excitement, the search for causes of the outbreak continued in university laboratories, but the more scientists studied the matter, the more puzzled they became. They collected samples of *pfiesteria* microbes from all over the bay, yet four years after the Pocomoke outbreak, there had been no large fish kills or reports of watermen with neuro-cognitive disorders. Investigators could not identify the specific toxin that had caused the disorders. The federal Centers for Disease Control in Atlanta refused to classify the incident as a *pfiesteria*-related syndrome. Rather, the phenomenon carries the name Possible Estuary Associated Syndrome (PEAS).

At the Center of Marine Biotechnology at the University of Maryland, Professor Allen Place discovered an alternate source of the problem in another microbe known as *karlodinium*, found along the Atlantic coast. Place hypothesized that tiny creatures called cryptophytes lived among the algae that fed on the nutrients in the

waters of the Pocomoke. The dinoflagellates fed on the cryptophyte, and the swarms of menhaden that dwell in Chesapeake Bay fed on the dinoflagellates. These *karlo-dinium* microbes had developed a toxin to help them digest the cryptophytes, but once ingested, the toxin attacked the Menhaden, already starved for oxygen because of algae blooms. Once the fish started dying, the *pfisteria* came out of their dormant cysts and began to feed on the dying and dead fish. Through chemical analysis, Place and his graduate students isolated a toxin he calls "karlotoxin," which more than likely was the true culprit in the *pfisteria* crisis of 1997. At dinoflagellate-related fish kill sites along the Atlantic coast every year since 1998, Place and other scientists have found the *karlodinium* and its karlotoxin, including the fish die-off in Weems Creek near Annapolis in June 2007. Although it is not possible to say these were present on the Pocomoke in 1997, the weight of scientific opinion, now backed with more modern technology and methods, leans heavily toward what scientists call *karlodinium veneficum* and away from the earlier hypothesis based on *pfisteria*.<sup>28</sup> Still, ecologists would ask the more basic, related question: what is it that creates the algal blooms that create the environment where these microbes flourish? The answer is probably found in the phosphorous and nitrogen that accumulates from agricultural runoff in the rivers and creeks of the Eastern Shore.

The environmental condition of the bay has not improved materially in recent years and there is still much concern as population pressure and residential development builds on the margin of the sensitive Chesapeake tidelands. The Chesapeake Bay Foundation and concerned citizens have made public statements about the persistence of dead zones in Chesapeake Bay where the lack of oxygen has killed and driven away a wide variety of fish species. In July 2007, former Maryland State Senator Gerald W. Winegrad drew attention to the need for greater efforts on the part of the state to control pollution and farm runoff. He stated that the long-envisioned bay cleanup has proven much harder than anyone anticipated, with the population in the Chesapeake region rapidly growing—an 8 percent increase in the 1990s—and as housing development grew, so too did the amount of impervious surfaces, such as roofs, roads, and parking lots that sluice unfiltered runoff into the bay. Winegrad argues that the state must improve the way it manages growth and place more effective controls on the protection and enhancement of forests. Progress in achieving Maryland's agricultural goals for controlling nutrient pollution is far behind those set for achievement in 2010. The state legislature has funded subsidies to assist farmers but has been lax in enforcement of controls. The weakness in the state's program for bay cleanup resides in the lack of penalties on developers, industries, and agribusinesses that fail to comply.<sup>29</sup> In a prescient essay written for the Abell Foundation, journalist Tom Horton pointed out that the one big issue that policy makers have avoided is the impact of population growth around the bay. Without limits the bay will continue to be subject to the pressures of development. He places the blame on popular attitudes involved in the phrase "grow or die," the idea that communities

that merely remain stable are failing. Developers, realtors, and vendors of all types believe in growth as an economic panacea to society's problems. The unseen or unrealized aspect of this is that the push for ever more waterfront and waterview properties is driving down the environmental health of the bay, and a healthy bay is paradoxically, what (nearly) everyone wants.<sup>30</sup>

In the early years of the twenty-first century, new concerns will demand the attention of historians as well as ecologists and politicians. The impact of industrial development and urbanization on the maritime activities of the bay are of utmost importance. As chemical pollution of the bay weakens the state's fishing industries, and silt runoff from community development and highway construction clogs its streams, creeks, and rivers, navigation will be adversely affected. Restrictions on dredging operations, whether from lack of public funds or from fears that dredging spoil will damage fragile environments, contribute to this problem. These trends will eventually become part of the maritime traditions of Maryland, as will the methods by which its citizens confront these issues. In this context, the Chesapeake Bay's history is a continuum of human and ecological problems, solutions, disasters, and successes.

## NOTES

1. John R. Wennersten, *The Chesapeake: An Environmental Biography* (Baltimore: Maryland Historical Society, 2001), 109–10.
2. *Ibid.*, 135.
3. *Ibid.*, 140–45.
4. Steven Davison, et al., *Chesapeake Waters: Four Centuries of Controversy, Concern, and Legislation*, 2nd ed. (Centreville, MDd.: Tidewater Publishers, 1997), 46.
5. *Ibid.*, 89–90.
6. John Capper, et al., *Chesapeake Waters: Pollution, Public Health, and Public Opinion, 1607–1972* (Centreville, MDd.: Tidewater Publishers, 1983), 86–92.
7. *Ibid.*, 106–32.
8. Wennersten, *The Chesapeake*, 152–55.
9. *Ibid.* See also the website of the Maryland Department of Natural Resources (<http://www.dnr.state.md.us/nrp/history.html>), which acknowledges Earle's valuable work in strengthening the its predecessor, the Maryland Natural Resources Police, during the period 1910–1930.
10. Wennersten, *The Chesapeake*, 156–58. A graduate of the University of Maryland in 1914, he served as an aviator in World War I, returned to earn a masters degree at the University of Maryland (UM), and in later years received a Ph.D. from American University. He worked as a research scientist at UM while working with the U.S. Bureau of Fisheries and gained valuable experience on board the *Albatross*, a U.S. Fisheries research vessel surveying the waters of the Chesapeake Bay in 1919. He gained a professorship of zoology at the UM (1925–1941) and founded and directed the Chesapeake Biological Laboratory at Solomons Island (CBL) from late 1925 until 1954. The Papers of Reginald V. Truitt are deposited in the Archives of the University of Maryland. Reginald Truitt papers, Special Collections, University of Maryland Libraries. Collection number 69-3.

11. Wennersten, *The Chesapeake*, 159; see also Report of the Conservation Department, *Maryland Manual*, 1922. An Code, sec. 1, 1922, Ch. 29, 67.
12. Remarks by Dr. Kevin Tenore, former director of the Chesapeake Biological Laboratory (CBL), as quoted on the University of Maryland Center for Environmental Studies/CBL website (August 15, 2006).
13. *Maryland Manual Online*, Department of the Environment, August 17, 2006.
14. Robert C. Keith, *Baltimore Harbor: A Picture History* (Baltimore: Johns Hopkins University Press, 1991), 34–49.
15. Davison, et al., *Chesapeake Waters*, 111–12.
16. Maryland Water Pollution Control Commission, *Annual Report*, 1947, 9. Chapter 697, Acts of 1947.
17. Odell Smith, *Baltimore Sun*, March 12, 1955, and March 29, 1956.
18. Tom Horton, *Bay Country* (Baltimore: Johns Hopkins University Press, 1994), 69–70.
19. Susan Q. Stranahan, *Susquehanna: River of Dreams* (Baltimore: Johns Hopkins University Press, 1993), 151–52.
20. *Ibid.*, 168–69.
21. *Ibid.*, 295–96.
22. *Ibid.*, 272–73.
23. Linda Lear, *Rachel Carson: Witness for Nature* (New York: Henry Holt and Co., 1997), 428–29.
24. Davison, et al., *Chesapeake Waters*, 160–61.
25. *Ibid.*, 201–10.
26. Rona Kobell and Timothy B. Wheeler, “Bay Protection Eroded, Bit by Bit,” *Baltimore Sun*, January 21, 2008.
27. Victoria Churchville, “The Poisoning of Chesapeake Bay: Pollution Permit System Abused by Industry, Sewage Plants,” *The Washington Post*, June 1, 1986; Section A, 1, 14–15. The article represents two years of research in environmental records. The article is accompanied by an excellent graphic entitled, ominously, “The Slow Death of the Chesapeake Bay.” Accompanying the main article are short pieces, on p. 15A, under the title “Where the Pollution Comes From,” which pinpoints four principal sources: Cyanide, metals, and ammonia from the Bethlehem Steel Sparrows Point plant; human wastes from the Easton, Md. sewage treatment plant; untreated wastes from federal facilities, such as Aberdeen Proving Ground; and fertilizers and pesticides that accumulate from farm runoff.
28. Michael W. Fincham, Erica Goldman, and Jack Greer, “Whatever Happened to Pfiesteria?” in *Chesapeake Quarterly*, 6 (August 2007), 2–19.
29. Gerald W. Winegrad, “What Will it take to Restore the Bay?” *The Baltimore Sun*, Sunday edition, July 15, 2007.
30. Tom Horton, “Growing, Growing, Gone: The Chesapeake Bay and the Myth of Endless Growth,” *The Abell Report*, Vol. 21, No. 2 (August 2008), 1–7. In the same vein, see also the beautiful photo essay by David W. Harp and Tom Horton entitled *The Nanticoke: Portrait of a Chesapeake River* (Baltimore: Johns Hopkins University Press, 2008).

# Book Reviews

*Captains Contentious, The Dysfunctional Sons of the Brine.* By Louis Arthur Norton. (Columbia: University of South Carolina Press, 2009. 195 pages. Illustrations, bibliography, notes, index. Cloth, \$29.95.)

Suggesting that the Continental Navy is underrepresented in literature documenting the American Revolution, Louis Arthur Norton seeks to address one aspect of this gap by examining the attitudes and actions of five American naval officers. He poses the following questions: "Did the officers of the Continental Navy quarrel among themselves more than the officers of the British navy did? Who were these men who volunteered to serve as officers of this embryonic American navy, which seemed destined to be defeated? What made the enlisted men, sailors who served on board these armed sailing vessels during this time, different from their 'ordinary seamen' brethren? How were the American officers and sailors different from their class-stratified and highly disciplined British adversaries? Because the American crews were largely volunteers from a society that was more democratic than any in Europe at the time, was the relationship of American officers with their crews different from that of the British?" (4). Norton states that these questions will be "explored" (4) in the book, but he really does not answer any of them so much as discuss them in general. If, generalities are permitted, it appears that the answers to most are in the negative; the differences under discussion are not particularly marked, with perhaps the exception of John Paul Jones. The personality and psychological analyses of the final chapter are more "pop psych" than serious study, although Norton does address and summarize the qualities of leadership exhibited by the men in question.

The five men Norton chose to study are John Manley and Silas Talbot (Massachusetts), Dudley Saltonstall (Connecticut), Joshua Barney (Maryland), and John Paul Jones (Virginia). Norton chose them because they were contemporaries who represented different colonies, all began their service at the outset of the Revolution, and each was a commodore for a time while having a contentious relationship with one or more of the others. These criteria may explain why some men such as John Manley were included, and Hector McNeill and Thomas Truxton, both of whom were reputed to have more difficult natures, were omitted. Success in battle was not an explicit criterion. The availability of information about them also probably contributed to their selection.

Though American society may have been more democratic than other European nations it was still much more socially and economically hierarchical than now, hence the talent pool from which the early officers of the Revolutionary navy might be selected was still quite limited. Social and financial concerns contributed as much as personal rancor and ego to the vying for rank. In fact, most of the comments



maligning these men came from the others and appear to have been more the result of jockeying for position than a reflection of their true nature.

Norton's chapter on Maryland's Joshua Barney lacks geographic clarity among other flaws. In one instance he sails "for the Carolina coast and safety" and arrives at the Cape of Delaware (91). In another his vessel *Thomas* encounters a "storm off the North Carolina coast and foundered" (94), yet other records, including Norton's biography of Barney (2000, page 31), note that it ran aground off Chincoteague, Virginia. These apparent discrepancies may be merely the result of poor phrasing as there are other infelicities, such as descriptions that often run to strings of synonyms. Too often the chapters read like a compilation of standalone lectures or articles and repeat information, in places verbatim, that is unnecessary in such a slim volume. Some tantalizing remarks are never expanded upon: e.g., Talbot's illegitimate daughter (neither battle-related nor unusual at the time but something which might provide insight to his personality) (57), references to Barney's "scuttled galleys" and "what was left of his flotilla" (106), referring to an episode in the War of 1812 and better if put in context, and that Jones's efforts to board the *Drake* were "botched" but nothing more. Some of the subjects are addressed in more depth than others. This does not seem to be related to the amount of information available about them but may be due in part to the focus of the book on their Revolutionary activities or to the fact that three of the five died shortly thereafter.

With such a fabulous title, the captains' bad behavior leaves one somewhat underwhelmed. In a society where children routinely received the same legal punishments as adults and where dueling was a socially sanctioned resolution to real or perceived slights, their behavior is tantamount to name-calling and is not much different from occurrences in the army or the ranks of British naval officers, albeit more plainly expressed. Although Jones is doubtless the best example of a contentious captain, as even his biographers and apologists concede, the others' threats to resign in a huff or refuse commissions reflects less on any personality disorder or psychological aberration than on the social milieu. None of these men were of the lowest social order. Even Manley, perhaps the most humble-born, commanded a ship, and all were used to being in charge and having their orders obeyed.

Despite its weaknesses, the real value of this volume lies in the wonderful snapshots it provides about five significant figures in the Revolutionary War, four of whom are largely unknown outside their respective states. For example, Joshua Barney is little known outside of Maryland and even within the state is associated more with the War of 1812 than for his service in the Revolution. This is a very appealing book to introduce history students and enthusiasts to the naval sector of the American Revolution.

SUSAN B. M. LANGLEY

*Maryland Maritime Archaeology Program*



*M'Culloch v. Maryland: Securing a Nation*. By Mark Killenbeck. (Lawrence: University Press of Kansas, 2006. 227 pages. Chronology, bibliographical essay, index. Paper, \$35.00.)

*Aggressive Nationalism: McCulloch v. Maryland and the Foundation of Federal Authority in the Young Republic*. By Richard Ellis. (New York: Oxford University Press, 2007. 265 pages. Notes, index. Cloth, \$35.00.)

Although scholars have made *Marbury v. Madison* (1803) arguably the most widely taught court case in our nation's history, they have, in comparison, largely ignored the significance of *M'Culloch v. Maryland* (1819). Fortunately the topic is the focus of two recent releases: Mark Killenbeck's *M'Culloch v. Maryland* and Richard Ellis's *Aggressive Nationalism*. While *Marbury v. Madison* established the precedent of judicial review in declaring an act of Congress unconstitutional, *M'Culloch* defined the Court's parameters in such national political disputes. It outlined the extent of federal authority and, according to Ellis, "has become the foundational statement for a strong and active central government and the broadening of its powers" (11). At the heart of the case were two central questions—did Congress have authority to create the Second Bank of the United States, and did the State of Maryland have the right to impose taxes upon it? Chief Justice John Marshall was quick and clear in his decision; Congress could create the Bank, and Maryland could not interfere with its dealings. But as both studies demonstrate, *M'Culloch v. Maryland* reveals a longer, more complicated narrative of the early republic that involves bold personalities, constant disputes, and the shaping of American politics and political thought.

Killenbeck's account opens with a portrait of Alexander Hamilton, the *Federalist Papers*, and the founding of the First Bank of the United States, underscoring the constitutional debates between Hamilton and James Madison and, more specifically, the arguments surrounding the founding of the Bank itself. The author asserts that the Bank debate was directly correlated to a host of other issues, ranging from federal-state relations to how the new Constitution should be read to the selection of a permanent capital city. For the reader, the drama is interesting, but, in the author's efforts to provide a thorough understanding of all of the events and debates connected to the case, it is easy to lose the narrative. Chapter two highlights the complexities of the growth of banking systems in the U.S. and how the first Bank of the United States in many instances was "simply the catalyst for political disputes whose implications ultimately reached more widely" (33). This chapter does briefly bring into view Baltimore merchant and Revolutionary War hero Samuel Smith and the concerns of local banks of the first Bank's structure and operations, thus foreshadowing the larger conflict. Though the next chapter illustrates the rise of the Second Bank and its short-term effects on the economy (a land boom in 1815 and the Panic of 1819), chapter four departs from discussion of the banking system to the role of the judiciary, an overview of Supreme Court cases of the period and, specifically,

the service of John Marshall who “molded the Court in his image, transforming it from a bit player in the federal system into a major presence in the formation of a strong, vibrant nation under the terms of a Constitution that he interpreted with a strong nationalist cast” (76).

Discussion of the case itself doesn’t appear until chapters five and six, halfway into the monograph, but it is in these chapters that Killenbeck’s arc becomes visible and Chief Justice John Marshall emerges as protagonist. Arguments on both sides of the case are nicely reviewed, and Marshall’s engagement in the decision easily serves as the book’s rhetorical climax. Still, this latter point may frustrate some readers. Instead of emphasizing the significance of the decision itself, attention diverts towards how the case is positioned amongst earlier American precedents. Killenbeck’s central claim is then partly undermined as Marshall’s decision is presented not as a unique, groundbreaking opinion but as the rehashing of Hamiltonian ideals and Marshall’s own ideas from previous hearings. Nevertheless, this intellectual history will be a great introduction to the case for students. Although the narrative doesn’t necessarily prepare its readers for where it will take them, the analyses of the events that followed the decision are especially intriguing, especially when they examine the anonymous newspaper exchanges between Marshall and Virginian judge Spencer Roane, and the public response to the decision via mostly newspapers.

The final chapters reflect of the Second Bank’s fate following *M’Culloch* and initial resistance to the decision in Georgia and Ohio. Killenbeck’s departing note is one that might have benefited from some judicious pruning. Moreover, in the conclusion, he attempts to demonstrate how the decision is read today, but his example of *Gonzales v. Raich* (2005) is a little forced and abandons the subtlety that made earlier chapters smooth and enjoyable by demonstrating that a variety of social and political forces were at play and the *M’Culloch* decision was the product of decades of negotiation about America.

Like Killenbeck, Richard Ellis in *Aggressive Nationalism* treats the 1819 court case as one of the most important in American history. Ellis criticizes previous works on the topic as being “almost exclusively from the vantage point of Chief Justice John Marshall’s decision” (4). The differences between the two works then are almost immediately clear. While Killenbeck sees the decision as one of Marshall’s greatest achievements, Ellis carefully scrutinizes his role in protecting the Second Bank, by bringing the case to the Supreme Court so quickly, and by influencing the arguments of the Bank’s lawyers. Also, like Killenbeck, Ellis attempts to set *M’Culloch* within its appropriate context, but for Ellis this context is “the market economy,” by which he means the early development and urbanization of a national economy.

Early chapters provide just the right amount of detail and background on the history of judicial review and nationalism, the formation of the Second Bank, and the crises and conflicts leading up to the court case. By examining the case through the lens of the market economy, Ellis is better able to produce a clear and focused

argument that skillfully incorporates outside materials into his own tightly woven narrative. What is lacking here, though, are some of Killenbeck's wonderful anecdotes, like the underhanded transactions of James M'Culloch and the detailed involvement of Maryland citizens like Smith. Ellis, like Killenbeck, should be complimented for chronicling the legal arguments of counselors and John Marshall, as well as the correspondence between Marshall and Roane and Brockenbrough. In these chapters, Ellis offers a new stance on the impact of the case, in which the responses are linked not to issues of slavery, as Killenbeck argues (115), but to the principles of states' rights alone (140–42).

Ellis's work concludes by accentuating Ohio's confrontations with the Second Bank and showing how the *M'Culloch* decision helped quell the controversy in *Osborn et al. v. Bank of the United States* (1824), in which Marshall had to essentially rehear the same argument with the minor addition of Osborn's attorneys using the Eleventh Amendment as a defense. Ellis made the laudable decision to include the anti-Bank story of Charles Hammond and the Jacksonian response to Marshall's decision. (The idea of rechartering the Second Bank was still a prominent issue in the 1832 presidential campaign.) In the end, Ellis is able to return to the larger issues, to go beyond the principles of federal-state relations or the co-equality of the judicial branch. He argues that the decision had a profound impact on the new ideology of states' rights that led toward civil war, the regulation of the economy through national legislation, and the Supreme Court's history of siding with big business.

Both works highlight a court case that is worth studying alongside *Marbury v. Madison*. While Ellis provides a firm narrative that will be fascinating to the general reader, Killenbeck will remain invaluable to students of the period and those interested in law. Both uncover larger questions that will push others to investigate these cases further.

K. A. WISNIEWSKI  
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*Cross-Class Alliances and the Birth of Modern Liberalism: Maryland's Workers 1865–1916.* By George B. Du Bois Jr. (Baltimore: The Chesapeake Book Company, 2009. 346 pages. Bibliography, index, illustrations. Cloth, \$35.00)

This book presents at once a historical panorama of labor-reform activity in postbellum Maryland and an argument about the origins of what some have termed "social democracy" or even "the welfare state," but which the author calls "social liberalism." Examining the efforts in Baltimore of labor (as distinct from "capital") to secure its multifaceted reformist aims from 1865 to just before the First World War, George Du Bois's *Cross-Class Alliances and the Birth of Modern Liberalism* suggests that the key to understanding this half-century of Maryland labor-movement activity is to recognize the difference between unilateral efforts by the working class

to agitate for reform through politics or direct action, on the one hand, and, on the other, their collaboration with a broad spectrum of middle-class actors to achieve a legislative, rather than market-based, amelioration of their plight.

Historiographically, Du Bois's volume fills a number of voids, the most significant of which are 1) the lack of detailed discussion of labor activism at state and local levels, especially in Maryland; 2) an understanding of progressive-era reform movements including and to some extent growing out of genuine working-class agitation; and 3) an approach that is sensitive to the possibilities of cross-class collaboration for labor reform. By this latter term Du Bois means the cooperation of employed workers with small capitalists, craftsmen-entrepreneurs, traditional master-craftsmen, and socially conscious citizens from various backgrounds, such as clergy, lawyers, journalists, and other reformers, to pass legislative reforms addressing workers' concerns across the boundaries of individual trades and business enterprises.

*Cross-Class Alliances* begins by considering, in chapters one and two, the first four attempts by independent labor parties to contest for political success at the polls, between the years 1869 and 1882. Although the efforts that Du Bois narrates all ended essentially in failure, i.e., none achieved actual electoral victories, these efforts, in his telling, raised the profile of working conditions and other issues close to the heart of labor such that by the year following the end of the relevant period, the "labor question" was poised to occupy center stage in the gubernatorial campaign. The story of Robert M. McLane's election, and his substantive legislative agenda for labor reform, most of which was successfully carried, thus constitutes Du Bois's chapter three, and fills another gap in the historiography, which had effectively ignored McLane's significance for labor history. Chapter four chronicles another reversal for labor, this time relative to the 1886 campaign for an across-the-board implementation of an eight-hour workday, and a last ditch, failed attempt at establishing an independent political party to press these concerns. Further installments in the transition, as Du Bois sees it, of labor activism from independent and alternative solutions to purely reformist legislative enactments, are cataloged in chapters five (dealing with workers' education, political reform, and producers' cooperatives) and six (addressing the campaign waged by workers and their middle-class, social liberal allies to reform the worst of sweatshop abuses). The final chapter posits the significance and antecedent nature of working-class reform movements to Progressive Era social reform efforts generally, citing successful campaigns by laborers working with non-employed "concerned citizens" at various levels of society to enact legislation addressing, e.g., child labor, workplace sanitation, and workmen's compensation.

The chief weakness of Du Bois's examination of the history of Maryland labor activism is how he frames his conclusion that over the half-century in question, from the end of the Civil War to the Progressive Era, activists abandoned a "moribund" (137) labor republicanism in favor of a "social" liberalism that combined the former with the classical variety of the latter. To make this argument especially convincing

would seem to demand more precise definitions than he provides of republicanism and liberalism, especially as these would have come down to the actors in Du Bois's story, having been formulated earlier in the revolutionary and antebellum periods. Much of the requisite precision is found in the vigorous scholarly debate among, Joyce Appleby, Gordon Wood, Drew McCoy, Michael Merrill, Christopher Clark, and others regarding the rise of capitalism in the early national United States, but Du Bois seems unaware of this illuminating exchange. (His exposure to the subject appears limited to the work of J. G. A. Pocock and his followers; see notes 5 and 6 to the introduction.) Because the import of this debate is overlooked, he can suggest that opposition by workers to "changes wrought to their disadvantage by the free market of classical liberalism manifested a change in republicanism" (4) and led ultimately to the new social liberal ideology. But at least one component of republicanism—if not its essence—was always suspicious of *laissez faire* in economic relations, and looked to law, custom, and conceptions of a "moral economy" to determine what was "off limits" in matters of trade and employment. Thus, many of Du Bois's examples of workers' efforts towards labor reform frequently seem only artificially (and somewhat whiggishly, in his telling) indicative of an emerging "social liberal" consensus, because these can just as often be attributed to a genuine republicanism, as Du Bois, in his defense, sometimes admits. While he may be correct that by the early twentieth century any republican idea of independence from "wage slavery" on the part of labor leaders and activists was a thing of the past, it is questionable whether that result comes from what he sees as an intentional and deliberate ideological shift, rather than from the sheer material triumph of industrialism and the wage system, which then forced republican worker-ownership and independence out of the picture. At any rate, Du Bois's *Cross-Class Alliances* is a provocative and challenging study of obvious changes that did take place within the Maryland labor community between the Civil War and the First World War, the question of intentionality notwithstanding. As a detailed review of Maryland labor activism of the period, revealing the shifting aims, failures, and successes of laborers and their growing range of middle-class allies as they confronted together the modern world as it was then coming into being, the book is clearly unparalleled.

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*Devil of the Domestic Sphere: Temperance, Gender, and Middle-Class Ideology, 1800–1860.* By Scott C. Martin. (DeKalb: Northern Illinois University Press, 2008. 216 pages. Illustrations, notes, bibliography, index. Cloth, \$38.00.)

Nathaniel Currier's 1851 lithograph of a young man caught between two women—one a prim belle standing at a respectable distance and offering a goblet of water, the other an enticing charmer pulling the man close and offering a goblet of



liquor—captures not only the contradictory representations of women in relation to alcohol in antebellum America, but also a central theme of Scott Martin's recent monograph, *Devil of the Domestic Sphere*. The image, which graces the dust jacket and page 91, presents woman as moral exemplar and as temptress, two standard tropes of antebellum temperance literature. It highlights Martin's argument about the reciprocal relationship between middle-class ideals of gender and domesticity and the temperance movement's efforts to control the consumption of alcohol, while also revealing the thread of misogyny that wound through temperance literature.

According to Martin, a fragile, nascent middle class emerging in antebellum America amidst a market revolution leveraged the temperance project to work out its gender ideology. But this is also an account of the temperance movement's shifting deployment of gender to win middle-class adherents. In addition, Martin hints at a narrative of antebellum alcohol reform taking its rightful historiographic place along antislavery as a "seedbed for women's rights activism and modern feminism" (4). Drawing on the tracts, novels, sermons, and poems of the temperance movement, Martin weaves these three storylines together in a nuanced cultural history. He begins by examining female intemperance and the problems it posed to middle-class domestic order: drunk women shirked their familial duties, flouted norms of sexual morality, and threatened to belie the ideal of innate female goodness. Temperance proponents maintained that because women had an exalted nature, when they erred, they had farther to fall than men.

To deflect attention from tippling females, temperance writers promulgated two other, more positive, roles for women vis-à-vis alcohol. The long-suffering sisters, mothers, daughters, and especially wives of drunken, abusive men in temperance literature were cast as sympathetic victims, while their more hale middle-class counterparts instructed males on the path toward moral uprightness. Though affirming, both roles confined women to middle-class gender conventions: by patiently and faithfully enduring men's inebriety or gently guiding fathers, husbands, and sons away from drink, women could exercise their female influence to rescue and protect men's morality on the assumption that such actions were safely restricted to the domestic sphere.

Though alcohol reformers acknowledged women's experiences and promoted their interests in curbing drunkenness, their literature was laced with a "misogynistic distrust of female power" (92). Temperance authors fretted that women would use worldly charms to entice rather than heavenly piety to dissuade—the Currier lithograph providing a case in point. Reformers also began to despair of the efficacy of women's moral influence. Novels and tracts repeatedly recounted the failure of wives to lead stubborn husbands to sobriety.

To explain this failure of domesticity, temperance leaders cast alcohol as a uniquely vile commodity, a poison that infected the home and undermined women's moral sway. The trick was to critique and control one substance—alcohol—without



curtailing other commodities or the free-market capitalist system upon which the middle class was built. Growing increasingly anxious about women's vocal and organized temperance activities, the movement's organizers in the late 1840s shifted tactics from moral suasion to legislation, a move designed to emphasize and contain liquor's exceptionally sinister character while also, conveniently, limiting women's public role. Their victory with the Maine Law of 1851 banning the sale and manufacture of alcohol, and a dozen such laws in other states and territories in the next few years, sealed the marriage between middle-class gender ideology and temperance reform: men would manage the issue of alcohol through the public world of politics, while women would retire to their domestic duties, exercising a rehabilitated moral influence to enforce the law at home.

Martin succeeds in analyzing the evolving deployment of gender by the temperance movement and the interaction between temperance projects and middle-class ideology. His handling of the third story line—antebellum temperance activities as a training ground for women's rights activism—is, however, constrained by his sources and methodology. The women in his text are by and large representations, not actors; we glimpse very few of them actually experimenting with and staking out a public role in the temperance movement. Instead of detailing women's temperance organizing—a task he leaves to other historians—Martin exposes the ideological frameworks with which women struggled to claim a place in the public sphere. This cultural history of gender and middle-class ideology in the antebellum temperance movement is a deeply satisfying, if not quite intoxicating, read.

CHRISTINE ALICE CROXALL  
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*Men of Letters in the Early Republic: Cultivating Forums of Citizenship.* By Catherine O'Donnell Kaplan. (Chapel Hill: University of North Carolina Press, 2008. 247 pages. Illustrations, notes, index. Paper, \$24.95.)

In the decades following the American Revolution, citizens of the new republic engaged in heated public debates over the nature of citizenship and the role of the individual within the polity. Historians have carefully analyzed the play of political expression and the struggle over national identity in such venues as newspapers, city streets, and parlors during the late eighteenth and early nineteenth centuries, and a prominent theme in this literature is the rancor and bitterness of partisan conflict. Although *Men of Letters in the Early Republic* is set in the same era, Catherine O'Donnell Kaplan directs our attention away from politics as such toward an alternate vision of civic engagement: the realm of "high" culture. The focus of her study is an elite cohort of men who worked to establish and develop *belles lettres* in the young American nation.

In addition to founding numerous cultural institutions, this first generation

of American literati created and edited periodicals, brought new works to press, gathered for polite conversation, and created expansive networks to circulate texts, manuscripts, and ideas. Yet it was not enough to establish American "Culture" or expand its reach; they wanted to make belletristic endeavors a vital component of American society. In short, they located their civic duty not in the republic of men but in the republic of letters. Such men chose this path because they believed that enlightened sociability created the necessary bonds of affection and trust among citizens while political partisanship stifled and destroyed them.

Kaplan's study is situated at the intersection of several topics, including civil society, sociability, early national politics, print culture, and the development of American literature, and she demonstrates a deep familiarity with each of their historiographies. In particular, she builds upon David Shields' *Civil Tongues and Polite Letters in British America* (Chapel Hill: University of North Carolina Press, 1997) and David Waldstreicher's *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776–1820* (Chapel Hill: University of North Carolina Press, 1997). Using personal correspondence and a variety of printed materials edited, compiled, or produced by her subjects, Kaplan makes her contribution to the conversation through the lives of Elihu Hubbard Smith, Joseph Dennie, and the "Anthologists"—a group of Boston men including Joseph Stephens Buckminster, William Smith Shaw, and Arthur Maynard Walter.

Smith, Dennie, and the Anthologists shared important ideas about the role of Culture in American society. First, they maintained that the pursuit of beauty, the cultivation of aesthetic judgment, and the refinement of "moral sense" were critical to the happiness of individuals as well as the nation as a whole. In addition, they believed that America and its citizens required an educated and enlightened leadership in order to realize their full potential. Notwithstanding their rejection of politics, therefore, they identified with Federalists, oozed elitism, and wrote of the "crowd" and democracy with barely concealed enmity. Despite their similarities, Kaplan argues, the men offered three distinct models of intellectual citizenship. Smith's activist vision centered upon the acquisition and dissemination of useful information with the goal of solving humanity's most pressing problems. His involvement with New York's Friendly Club and his editorship of the *Medical Repository* allowed him to vigorously promote his reformist ideas. Dennie, for his part, mocked America relentlessly and unapologetically. As the editor of the *Farmer's Weekly Magazine* and later the *Port-Folio*, he satirized politics and commerce from on high, although ironically the ultimate effect was to endorse Federalist ideology. Finally, in their private reading room (the Boston Athenaeum) and mildly successful periodical (the *Monthly Anthology*), the Anthologists purposefully positioned themselves outside and above the mainstream, celebrating friendship and the free play of ideas as a refuge from politics.

Throughout the work, Kaplan analyzes the dialectical tensions between public/

private, emotion/reason, male/female, and art/commerce, all of which shaped the formation and practice of high culture. One example of this is the way that these men turned up their noses at the chaotic marketplace, decrying “popular” literature as injurious to their noble cause. Yet they regularly participated in this market by reaching out to new readers, publishing texts, and maintaining business relationships with printer-publishers. A more significant example, perhaps, is the tension between male and female. In trying to claim civic relevance for their activities, Smith, Dennie, and the Anthologists denied female authors access to their institutions, even though women were an integral and valued component of their informal networks. Having distanced themselves from politics and commerce—activities closely associated with masculinity—they excluded women in order to “prove” the manliness of cultural work. Not only did they fail in this effort, as Kaplan points out, but their gendered hypocrisy “truncated their social criticism and weakened their argument that merit alone mattered” in their enlightened world (234).

Despite, or perhaps because of, these dynamic tensions, each of the three models of cultural or intellectual citizenship were “poignant, productive failure[s],” in that neither Dennie, Smith, nor the Anthologists effectively displaced politics or fashioned a harmonious America (232). But Kaplan’s study of these men is a dazzling success. While *Men of Letters in the Early Republic* does not speak directly to the history of Maryland, it does paint a portrait of a world its inhabitants might have known. Anyone interested in the history of high culture, literature, citizenship, or national identity in America will delight in Kaplan’s nuanced and insightful work.

AMANDA QUACKENBUSH GUIDOTTI  
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*The View From the Masthead: Maritime Imagination and Antebellum American Sea Narratives.* By Hester Blum. (Chapel Hill: University of North Carolina Press, 2008. 288 pages. Illustrations, endnotes, bibliography, index. Cloth \$59.95).

Heather Blum’s *The View From the Masthead* is a dense, highly intellectual study of American sea writing in the first half of the nineteenth century. Using the metaphor of the “sea eye,” Blum reimagines the sailors’ view from the masthead in both a literal sense, the ever-changing boundless expanse of the sea, and as metaphor, their perspective of the confined, intricate shipborne world. Blum, a professor at Pennsylvania State University, tries to capture the literary print culture of the entire genre of American maritime world. The genre began with first-person narratives of sailors in Barbary captivity, given an enormous popular boost by the sea novels of J. Fenimore Cooper, and then reached its full blossoming in the sea novels of Herman Melville and Richard Henry Dana.

*The View From the Masthead* is literary criticism at its broadest. Through six chapters, Blum analyzes sea narratives and sailors’ literary culture, writings about

the Galapagos Islands, the visions and contributions of Cooper, Melville, and Dana, and death and burial at sea. Her writing is dense and destined for an academic audience. What she writes about the sailors' narratives—that their emphasis on the detailed workings of the ship are “rarely glossed for the nonspecialist reader . . . ; sailors' jargon is left intact and unmediated”—could be said for her academic prose as well. Readers then (and now) feasted on the minutia of nautical life, even if they did not know the difference between a stay and a shroud. Ironically, although Cooper largely created the sea novel genre and served as a midshipman in the navy, he depreciated the importance of accuracy in the vernacular of the sea, and his sea fiction contained errors that critics lampooned.

Blum has read broadly and deeply in the literature, and displays an impressive command of the material with many insights and discoveries. She shows how sailors produced and consumed books, analyzes the literacy of sailors, the oral performances of texts, book exchanges between ships, and what antebellum sailors actually read. Blum has rendered essential service to maritime historians by her rediscovery of all but forgotten narratives by men like William Leggett and Nathaniel Ames. She provides an informed analysis of the sea fiction of Cooper, Melville, and Dana, and the place of their writings in their own times.

*The View From the Masthead* has certain limitations. First, Blum's work is deeply intellectual, sometimes seems stilted with academic phrases and conceits, and presumes a familiarity with the works of Cooper, Melville, and Dana. Second, her focus is not history but literary criticism, yet her history is sometimes shaky. For example, the first maritime war fought by the United States after the Revolution was against France, not Tripoli. Third, in the manner of historian Marcus Rediker, Blum asserts that antebellum American sailors displayed a class consciousness. Although that is a useful tool in some contexts, I remain unconvinced that sailors generally displayed a proto-Marxist view of their hierarchical and highly disciplined world. Surely, it is objectionable for Blum to equate sailors' “labor” for their merchant captain with their “labor” as slaves for the dey in Algiers while in Barbary captivity. In my reading of Barbary captivity narratives, and unpublished letters from Algiers and Tripoli, the enslaved sailors recognized a profound difference with their former lives at sea, and prized their lost freedom.

Yet these points may miss the larger picture. In a scholarly way, Blum has engaged American maritime writing and the literary world of sailors in the first half of the nineteenth century. In this effort, she shows great facility with the texts and a subtle understanding of a different and lost world. Her writing may be difficult but her ideas are provocative and thoughtful. *The View From the Masthead* is not for a casual reader but is an important contribution to understanding antebellum sea writing.

FREDERICK C. LEINER  
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*Disunion! The Coming of the American Civil War, 1789–1859.* By Elizabeth R. Varon. (Chapel Hill: University of North Carolina Press, 2008. 467 pages. Illustrations, bibliography, notes, index. Cloth, \$30.00.)

What is the relationship of rhetoric to open warfare? How did the epithet “disunionist” change from a hateful insult in the early national period to a label that both pro- and anti-slavery partisans could proudly embrace by the 1850s? In charting the course of disunion rhetoric, Elizabeth Varon answers these questions and deeply enriches our understanding of the causes of the Civil War. The word “disunion,” Varon argues, was both “provocative” and “potent” in American political discourse throughout the first seventy years of the nation’s existence (1). Though disunion rhetoric did not *cause* the war, the concept of disunion “was inseparable from the issue of slavery’s destiny” (337). Why, Varon asks, couldn’t Americans debate slavery without invoking disunion?

Varon, previously known for her work on the political activities of antebellum Southern women, synthesizes a wide array of secondary sources, including political, cultural and social histories, to narrate the coming of the Civil War. Woven into that narrative synthesis is an impressive amount of primary evidence from government records, newspapers, and manuscript sources, detailing how famous politicians such as John Calhoun and John Quincy Adams as well as lesser-known Americans on all sides of the slavery debates used disunion rhetoric to further their own goals, whether they be immediate abolition, gradual emancipation and colonization, or proslavery. For clarity, Varon considers the idea of disunion in five thematic categories—as prophecy, accusation, threat, process, and program—which she says Americans employed throughout the period. The “discourse of disunion in the early republic” focused on “national security” issues related to fears of whether the new nation would even survive (52–53). Thus, southern slaveholders could silence political enemies through accusations that any criticism of slavery would result in disunion. Politicians such as Daniel Webster and Henry Clay used prophecies of disunion in advocating compromise on the issue of slavery’s expansion, while William Lloyd Garrison prophesied that continued compromises with slaveholders would bring a fiery, bloody end to slavery. Fire-eating slavery supporters regularly used threats of disunion to extract concessions from the North.

By the 1840s, disunion rhetoric became more than accusations and threats, as people began to perceive the dissolution of the Union as an ongoing cultural and political process. During the political debates over the annexation of Texas, southerners left the Methodist and Baptist churches over the issue of slavery, forming the Methodist Episcopal Church, South, in 1844, and the Southern Baptist Convention a year later. That these new southern churches “thrived” suggested that other southern cultural institutions could also profitably secede, and “advanced the argument that disunion was a process . . . that . . . might favor the South” (179). Still, the separate



branches continued to work together; the northern denominations even retained slaveholding members, particularly in border states. But during the eight months of debate surrounding the Compromise of 1850, Varon finds that disunion rhetoric had entered a new phase in which “a vanguard among the defenders of slavery and states’ rights was moving unmistakably toward the embrace of disunion as a *program*” (210). The first indications of this occurred during the acrimonious House debates in the Thirty-first Congress over election of a Speaker, when a Georgia representative proudly and provocatively proclaimed himself in favor of disunion. Though some Northern representatives dismissed his statements as the familiar blustering threats of earlier times, Varon finds that Southerners were no longer posturing in order to extract concessions from the North, but that the “discourse on disunion had entered a new phase” (209).

Varon brings new perspectives to bear on familiar controversies. Her insights on the gendered nature of disunion discourse are especially valuable. Throughout the 1830s and 1840s, slaveholders and many Northern Democrats had successfully isolated abolitionist arguments by portraying them as emotional, the province of irrational women. During the debates over the Wilmot Proviso, advocates disarmed slaveholders’ accusations of disunionism by turning their own gendered rhetoric against them. David Wilmot lumped radical proslavery advocates with abolitionists, labeling them all emotional disunionists and casting his own argument as the only rational, manly course. Varon sees this as “an important shift in the use of gendered rhetoric” in which “the kid gloves came off, and the North and South pummeled each other, across party lines . . . in the elemental language of gender aspersions” (191).

By the late 1850s, disparate groups within each section began to coalesce, uniting South and North against one another. The Dred Scott decision opened free states to slavery, alarming many Northerners from all political persuasions and uniting them against what they saw as a program for Slave Power domination. Harper’s Ferry “effected a sea change in white Southern public opinion,” uniting moderates and fire-eaters around “the secession standard” (329). Compromise became impossible as wide swaths of the population advocated disunion as a program.

Varon’s narrative is extremely readable and should be of great interest to a wide readership. *Disunion!* provides an exciting and auspicious beginning to the new Civil War series, the Littlefield History of the Civil War Era. Students of the history of the American Civil War will benefit from Varon’s book and eagerly await forthcoming volumes.

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*Lee's Last Casualty: The Life and Letters of Sgt. Robert W. Parker, Second Virginia Cavalry.* Edited by Catherine M. Wright. (Knoxville: The University of Tennessee Press, 2008. 259 pages. Illustrations, appendix, bibliography, notes, index. Cloth, \$34.95.)

*Trench Warfare Under Grant and Lee: Field Fortifications in the Overland Campaign.* By Earl J. Hess. (Chapel Hill: University of North Carolina Press, 2007. 331 pages. Illustrations, maps, appendix, bibliography, notes, index. Cloth, \$39.95.)

The American Civil War has been the source of more historical study than any other event in American History—or at least it seems that way upon reviewing bookstore shelves and publication lists. Nineteenth-century Americans were more literate than any previous generation, leaving extensive correspondence and diaries that historians have mined since events on the battlefield ended. From this wealth of primary sources we have a record not just from the leaders and men of power, but also the common soldier in the field, and the men and women on the home front. We know how they lived and died, what motivated them to go to war or stay home, their views on events and people, and their hopes and fears. The military history of the War has been examined from the major campaign to the small skirmish, and particularly in the East many of the major battlefields have been preserved for interpretation. It would hardly be surprising, as we approach the war's sesquicentennial, if we did not wonder whether all the sources have been used and all the topics examined. Thankfully, the answer is no. New collections still come to light, and skillful historians reinterpret events and sources from new angles to add meaningful scholarship to the historiography of the Civil War. Two recent and welcome additions to the bookshelves are Catherine M. Wright's *Lee's Last Casualty: The Life and Letters of Sgt. Robert W. Parker, Second Virginia Cavalry* and Earl J. Hess's *Trench Warfare Under Grant and Lee: Field Fortifications in the Overland Campaign*.

*Lee's Last Casualty* is a collection of 350 letters from Robert W. Parker, a Confederate cavalryman, to his wife and family from 1861 to 1865. Wright first began transcribing the collection during her graduate assistantship at the University of North Carolina at Chapel Hill shortly after it was donated to the Southern Historical Collection in 2006. The work illustrates just how important correspondence was to the common soldier, keeping him in the field even as the tide of the war turned in the Union's favor. As series editor Peter S. Carmichael notes, "Wright makes it clear that Parker's morale and commitment to the Confederacy drew from a complicated set of relationships that merged family, community, and nation together" (vii). In the book's introduction we learn that Robert Parker was a member of Virginia's slave-owning society from the Bedford area, which molded his views of family, society, and religion. These core values led Parker to enlist in 1861, and were central themes in his letters. Wright shows how important correspondence, religion, and community were for the Confederate soldier, contending that Southerners felt they were more religious than Northerners and consequently believed that the outcome of battles and

campaigns were connected to their religiosity or their sins. Religion allowed them to face the hardships of war, and helped their loved ones face the struggles at home. "The letters of soldiers such as Robert Parker serve as important reminders of the human aspect of the oftentimes overwhelming story of the Civil War" (xxvii).

Parker's letters in the first year of the war conform to the findings of other historians that companies and regiments were community-centered. Most of the correspondence relates to his own health and that of his fellow soldiers from Bedford, the condition of his clothing, movements of the regiment, news of the war, and his comments on the various regions of Virginia he has seen. Parker regularly asks that his wife and family write to him, and relates the effect correspondence from them has on his well-being. The importance of religion is found in almost all of his letters—discussing how God and his providence will care for them, and urging that they put their trust in God. As the war progresses and the hardships mount, Parker, who volunteered at the outset, voices his resentment of those who showed support for the war in word but not in deed. "I am getting quite anxious to see some of those rampant secessionist of Bedford falling into ranks, who have been so kind to help us with their mouths and not with their hands" (71). Parker struggled with the question of whether to re-enlist early and receive extra pay and leave, or wait until his current enlistment expired. In the last two years of the war, he wrote less frequently, but he continued to ask his family to write and was concerned about life at home. Parker's letters contain little commentary on the major campaigns in Virginia, as early in the war he was either on picket duty or leave. Later events left little time for writing, though he did give a rare insight into life in the Confederate cavalry. Letters and diaries from troopers have proven rare compared to their infantry counterparts, so Parker's comments on life in camp, scouting, and the condition of his horse are valuable.

Happily, Wright has let Parker do the talking. Her commentary is limited to very brief chapter introductions regarding the command assignments of Parker's regiment, and notes to flesh out the events and individuals he discussed. The appendix of letters from family and friends adds another layer to understanding Parker as an individual and Southern society as a whole. The only voice missing in the narrative is that of his wife, Rebecca, to whom the majority of his letters were written. This is the unfortunate result of her wish that he burn her letters after reading them, something he agreed to do.

*Trench Warfare Under Grant and Lee: Field Fortifications in the Overland Campaign*, by Earl J. Hess is the second in his three-part study examining the history of field fortifications in the Eastern Theater. The culmination of over twenty years of research, Hess shows through soldiers' own words and battle reports that the use of field fortifications was a psychological reaction to the horrors of battle and the close proximity of armies, rather than a reaction to the introduction of the rifled musket. To that end, he made extensive use of primary and published sources as

well as the battlefields themselves, where many entrenchments have been preserved by the National Park Service. In essence, Hess has made the battlefield an artifact for study in its own right.

Hess argues that earthworks were nothing new to Civil War armies and had been used previously in the East as early as the First Battle of Bull Run. Early on, they were constructed at the end of major battles. That changed in 1864 with Gen. Ulysses S. Grant's strategy of maintaining constant contact with Lee's army and Lee's inability to take the offensive, resulting in both sides making greater use of field fortifications. Hess provides background on the engineering assets available to the armies as well as biographical sketches of principal engineering officers. Both armies were allocated larger engineering resources than forces in any other theater. The Army of the Potomac had more engineering troops than any other field army in the Union, though they still proved inadequate for the needs of the campaign.

Hess looks at events in terms of the tactics and terrain in which the battles were fought. He contends that no one was prepared for how quickly and extensively the use of field works would develop in Virginia during this campaign, and that each battle was a slow progression towards all-out trench warfare. Though the discussion of events is nothing new, Hess' insight into the use of field fortifications does change the tactical and even strategic interpretation of the campaign. For instance, the Wilderness saw a transition in the use of entrenchments by both armies. While both armies dug in during the battle, most followed the pattern of entrenching further after fighting had concluded. Previous interpretation contends the area vegetation was an obstacle to Grant, but Hess wonders if the Wilderness terrain was much help to Lee since it made hard for him to employ flank attacks as he had in previous battles. Hess's understanding of field fortifications is expertly conveyed, as are his explanations of why and how specific trenches were built. Maps and photographs add a visual layer to understanding the campaign. Additionally, the appendix describes field fortifications from each section of the battles and is accompanied by detailed maps based on Hess' field visits. Here he describes the design and structure of each work as well as its current state of preservation. This section is valuable to anyone planning a visit to the battlefield, although a glossary of terms (which was included in the first volume of this series) would be useful to the novice student of earthworks.

For the student of the Civil War, these studies are well-written and researched additions to the bibliography. Wright and Hess each open a new window into our interpretation of the conflict and the events in Virginia.

JOSEPH-JAMES AHERN  
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*Bill Bright and the Campus Crusade for Christ: The Renewal of Evangelicalism in Post-war America.* By John G. Turner. (Chapel Hill, University of North Carolina Press, 2008. 298 pages. Illustrations, bibliography, notes, index. Paper \$19.95.)

When Bill Bright founded the Campus Crusade for Christ (CCC) in 1951, nearly six decades ago, religion on America's campuses was predominantly mainline; when he retired from CCC in 2002, UCLA and California-Berkeley had over fifty evangelical non-denominational organizations apiece. The CCC was among the organizations that brought the parachurch, a non-denominational church-like organization, to higher education and conservative Christianity to the mainstream.

Bill Bright was born in Coweta, Oklahoma, in 1921. After graduating from North-eastern Oklahoma A&M, he moved west to California during World War II. He was a businessman and a salesman who endured ups and downs before finally finding his faith and his niche as founder and long-time head of one of the most important parachurch organizations of the second half of the twentieth century. This history tracks the formation, development, and growing significance of Bright's creation, the Campus Crusade for Christ, and places the CCC and Bright into their religious and social contexts. The result is a strong history of a particular non-denominational religious organization as well as a more than sufficient social history of the postwar era in the United States.

The 1950s were the prime twentieth-century decade for religious participation, but the long-standing view is that the participation was like a wading pool, wide but shallow, characterized by Eisenhower's comment that religion was a good thing and everyone should have one. Turner begs to differ. It may have been true in some circles, but that old-time religion was serious business for many. Although there was a strong impulse toward using religious participation as a counter to "Godless Communism," there was also a strong and sincere current of religious belief. An example of the strong variety is the Campus Crusade for Christ. Although not particularly firm on doctrine, as Turner admits, the CCC under Bright required a great deal of commitment from its members.

CCC was not unique in being a parachurch organization, nor was it unique in being a campus Christian mission. What set it off was the dedication that Bright brought to it and that he expected from his sales staff, for the CCC workers were salespeople for Christ and CCC. Bright built an organization using techniques more typical of Amway than of the Baptist Student Union, United Methodist Church, or other mainline denominations on the campus. Success was measured by new memberships. And the new memberships came steadily; growth was good despite competition and conflict with more mainstream campus organizations and with other conservative religious groups such as Pentecostals and charismatics. Bright approached proselytization as a combination of sales and show business, and in general his method was to capture the campus student leaders first, the athletes and

sorority women, even when the rest of the campus seemed to be moving away from the 1950s-style mainstream.

In the 1970s, Bright felt a calling to complete the nineteenth-century Great Commission, to bring to every people the word of God and the knowledge of Christ. The CCC developed an overseas presence that included indigenous leadership and maintained the old-style missions at a time when the mainline denominations were moving away from the colonialist effort. During the same period, Bright became more closely tied to the fiscal conservatives and the political ones. Turner notes that this shift was not surprising because the anti-communist, moral conservative Bright held true throughout to his 1950s philosophy. The changes were simply a matter of becoming more overt as the political and social environment moved away from the 1950s. In the 1980s key developments were the healing of the split with the Pentecostals and the acceptance of *glossalia*, the speaking in tongues that had been a precipitant of the initial split. In the 1980s too the CCC managed to keep clean when others were falling to scandal and embarrassment. As Oral Roberts, Jimmy Swaggert, and Jim and Tammy Bakker embarrassed conservative nontraditional Protestantism, CCC developed a larger presence than ever, and the 1980s were the decade when Bright nearly achieved the Great Commission through the vehicle of a video life of Christ that five billion people viewed. After a slump in the 1990s the CCC regained momentum and by 2005 had an annual income of \$500 million as well as tens of thousands of salespeople on U.S. campuses and throughout the world.

Bill Bright, who died in 2003, remains an interesting individual, and the CCC, much more than a university organization, remains a significant component of the still rapidly expanding international parachurch and megachurch movement. Turner provides a solidly researched, well-written explanation of the phenomenon, tracking it through the changing America in which it lived, showing how it adapted but never succumbed as more mainline organizations often did. Turner also takes care to explain the differences between the various groups that too often in popular media become simply the religious right. The differences are real and they are vital to those who subscribe to the various denominations comprising conservative Protestantism.

*Bill Bright and the Campus Crusade for Christ* sheds new light on the past half-century of religious life in the United States, and the author is to be commended for developing the history without becoming either defender or mocker of the subject. This work is exceptionally well done, and it deserves a wide audience of professional and amateur historians alike.

JOHN H. BARNHILL  
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*Catholic and Feminist: The Surprising History of the American Catholic Feminist Movement.* By Mary J. Henold. (Chapel Hill: University of North Carolina Press, 2008. 303 pages. Illustrations, bibliography, notes, index. Cloth, \$32.00.)

Scholars of American Catholic history face a dual challenge. In addition to offering a professional and critical treatment of their chosen subject, American Catholic scholars must also demonstrate the importance and relevance of the topic to an academy that does not always take religion seriously as a historical force. Indeed, Mary J. Henold alludes to this issue in the opening pages of her recent study *Catholic and Feminist*: “Reluctance to believe in the existence of Catholic feminists is understandable. . . . Yes, there was a movement of organizations and individuals who claimed a dual identification with Catholicism and feminism” (2). In this manner, the author demonstrates that feminist Catholics existed as more than a simple by-product of Betty Friedan’s *The Feminine Mystique* and the larger feminist movement in America. She convincingly argues that Catholic feminists operated from within the confines of the institutional Church and used their faith and experience as Catholics to inform their distinctly Catholic spin on the feminist movement. The Bible’s mandate for social justice, equality, and liberation all informed the Catholic feminist’s relationship with feminism. According to Henold, “Catholic feminism was not imported into the church; it grew organically within Catholicism. . . . Catholic feminism was born of women’s experience as Catholics. . . . They were not just feminists who happened to be Catholic. Their feminism itself was Catholic” (15).

*Catholic and Feminist* traces Catholic feminists through “second-wave” feminism from 1963 through the seventies. While the book provides 1963 as the critical year for the emergence of the movement, signs of feminist stirrings within the institution can be found as early as the 1930s with the Catholic Worker Movement and Friendship House. More specific “antecedents” to Catholic feminism can be found beginning in the 1940s with organizations such as the Grail and the Christian Family Movement (20). The emergence of the educated, socially conscious, and reform-minded “new nuns” of the 1960s provided fertile ground for the flowering of Catholic feminism. According to Henold, the first well-defined manifestation of Catholic feminism was the targeting of the “Eternal Woman” construct of female behavior. The “Eternal Woman” emphasized the unique role women played in society as a model of surrender and sacrifice before God. This construct had its origins in the work of the German author Gertrud von Le Fort, who emphasized a unique capacity for surrender as a model for society as a whole to follow.

However, Henold claims that what gave life to the movement was not concerned Catholic women per se or an objection to any particular behavioral construct. Rather, “the click” for Catholic feminists came from the male-dominated institutional Church and the calling of the Second Vatican Council (1962–65) by Pope John XIII. Vatican II revealed to American Catholic women both a sexist and a fallible institution. Catho-



lic women watched from the sidelines as the hierarchy redefined the relationship between the Catholic Church and its flock. Catholic women observed, perhaps for the first time, a Church in open debate about the future of the institution with its bishops in disagreement. According to the author: "Although it revealed the church's entrenched sexism to the world, Catholic feminists found in Vatican II a catalyst for female consciousness. It gave Catholic women the opportunity simultaneously to name the source of their oppression and imagine a new world without it" (23).

Upon establishing the origins of Catholic feminism, the author traces its history through two distinct ideological wings of the movement: the careers of more radical Catholic feminists Mary Daly and Elizabeth Parians. This more assertive branch was largely replaced in the early 1970s by a "loyal opposition" and a "clear causal relationship between Catholicism and feminism" (11). Women's ordination was the loftiest goal of the movement and its greatest disappointment, a battle Catholic feminism lost when the Vatican formally opposed the ordination of women in 1977 and the issue was overshadowed by the larger feminist pursuit of abortion rights.

*Catholic and Feminist* is both well written and superbly researched. In pursuit of a full and engaging study, the author relies on myriad sources, such as newsletters, recruiting propaganda, academic papers and lectures, and personal and organizational correspondence. Most interesting and most informative are the twenty-three oral history interviews that add additional depth and vigor to the narrative. Writing with a broad perspective, Mary J. Henold convincingly shows that "feminism could originate in, be justified through, and be motivated by faith and religious tradition" (6). Her study takes religion seriously and demonstrates Catholicism as an active and underappreciated force in the history of American feminism.

JASON HOSTUTLER  
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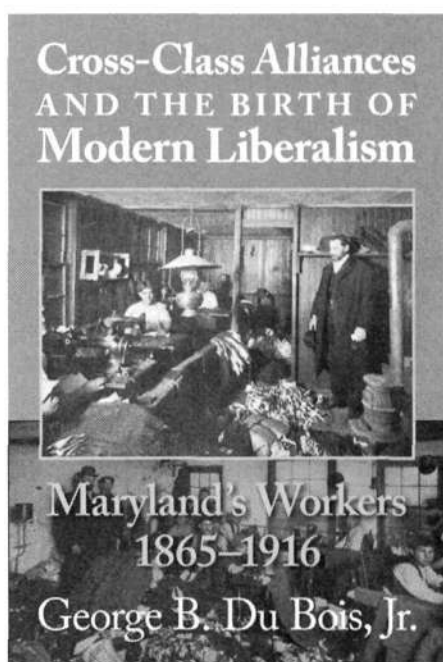
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